COUNTY OF MARIN

COMMUNITY DEVELOPMENT AGENCY

MITIGATED NEGATIVE DECLARATION

Marin County Environmental Review

Pursuant to Section 21000 et. seq. of the Public Resources Code and Marin County Environmental Impact Review Guidelines and Procedures, a Negative Declaration is hereby granted for the following project.

- 1. Project Name: Marin City Pond Pump Station Flood Reduction Project
- 2. Location: 190 Donahue Street, Marin City (APN 052-490-08)
- 3. Project Summary:

The Marin County Flood Control and Water Conservation District is proposing to construct a new pump station at the Marin City Pond, which will divert flood waters to Richardson Bay via a culvert located within the Caltrans right-of-way. A new platform-type pump station would be constructed at the northeast corner of the Pond to provide a permanent solution to reduce flooding in Marin City and to maximize the limited flow capacity across U.S. Highway 101.

- 4. Project Sponsor: Marin County Flood Control and Water Conservation District
- 5. Finding:

Based on the attached Initial Study and without a public hearing, it is my judgment that:

The project will not have a significant effect on the environment.

The significant effects of the project noted in the Initial Study attached have been mitigated by modifications to the project so that the potential adverse effects are reduced to a point where no significant effects would occur.

Date: April 29, 2025

Rachel Reid Environmental Planning Manager

Based on the attached Initial Study, a Mitigated Negative Declaration is granted.

Date: _____
Flood Control and Water Conservation District Board

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1. Mitigation Measures:

No potential adverse impacts were identified; and therefore, no mitigation measures are required.

 \boxtimes Please refer to mitigation measures in the attached Initial Study.

The potential adverse impacts have been found to be mitigable as noted under the following factors in the Initial Study attached.

All of the mitigation measures for the impacts listed above have been incorporated into the project and are required as conditions of approval.

2. Preparation:

This Mitigated Negative Declaration was prepared by David J. Powers & Associates, Inc. on behalf of the Marin County Flood Control and Water Conservation District. Copies may be obtained at the address listed below.

Marin County Community Development Agency Planning Division 3501 Civic Center Drive, Suite 308 San Rafael, CA 94903 (415) 473-6269

Check with the Planning Department for information about business hours and/or reviewing copies of the document at the front counter.

An electronic version is also available for review on the County of Marin Environmental Planning website.

MARIN COUNTY FLOOD CONTROL DISTRICT

INITIAL STUDY MARIN CITY POND PUMP STATION FLOOD REDUCTION PROJECT

I. BACKGROUND

Lead Agency / Project Marin County Flood Control and Α. Sponsor's Name and Water Conservation District (District) Address: 3501 Civic Center Dr., Suite 304 San Rafael, CA 94903 Roger Leventhal, Senior Engineer В. **Agency Contact:** (415) 473-3249 roger.leventhal@marincounty.gov C. **Document Preparer:** Natalie Noves, Senior Project Manager David J. Powers & Associates, Inc. II. **PROJECT INFORMATION Project Title:** Marin City Pond Pump Station Flood Α. **Reduction Project** Β. **Project Location:** The Marin City Pond (Pond) is a 3acre privately owned stormwater detention pond located south of U.S. Route 101 and north of Donahue Street and the Gateway Shopping Center. The Pond is connected to Richardson Bay by a 6- by 4-foot culvert located within a Caltrans right-of-way. Assessor's Parcel 052-490-08 C. **General Plan Designation:** GC-HOD, General Commercial/ Housing Overlay Designation D. Zoning: **CP-HOD**, Planned Commercial

PROJECT DESCRIPTION

Introduction and Summary

The Marin County Flood Control District (District) is proposing to construct a new pump station at the Marin City Pond (Pond), which connects to Richardson Bay via a 6-foot by 4-foot culvert located within Caltrans right-of-way. The Pond is a 3-acre privately owned stormwater detention pond.

During intense rainfall events, the upland residential areas of Marin City experience flooding. In intense rainfall events that are coupled with high tides in Richardson Bay, the lowland areas in Marin City and parts of U.S. Route 101 (US 101) flood. Under existing conditions, an existing undersized storm drain limits capacity and creates a bottleneck for stormwater flowing to the Pond from Main Street and Drake Avenue, south of Donahue Street. Under existing conditions, an existing storm drain in the Gateway Shopping Center has limited capacity and creates a bottleneck for stormwater flowing to the Pond from Drake Avenue, south of Donahue Street. The bottle neck contributes to flooding near Drake Avenue and Donahue Street.

In 2017, the District applied for a grant through the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program to fund a new floodwall around the Pond, as well as a new culvert under US 101 using trenchless technology. This was later shown to be infeasible and the grant request was updated from a new culvert across US 101 to a permanent pump station in the Pond.

In 2018, the District finalized a drainage study that identified several alternatives to reduce flooding in Marin City.¹ The drainage study identified that a key issue with the existing system is the limited conveyance capacity across US 101. One alternative evaluated in the 2018 drainage study was a pump station capable of pumping 50 cubic feet per second (cfs). In 2023, the District revised the FEMA grant scope to include design and permitting of a 50-cfs pump station (hereinafter the proposed Marin City Pond Pump Station).

In 2023, the District received State of California funding to construct an emergency portable pump station, north of the Donahue Street and Drake Avenue intersection, approximately 200 feet west of the US 101 South off-ramp. The pump station is intended to be a temporary solution to alleviate flooding in lower Marin City until the Marin City Pond Pump Station is constructed. The emergency pump station includes two trailer mounted pumps placed on a gravel pad that are located next to precast concrete intake structures, north of the Donahue Street and Drake Avenue intersection and within Caltrans right-of-way (ROW). The improvements also included replacing an existing drainage inlet at a low point with a larger grate to improve hydraulics, as well as constructing an additional catch basin. When they are in use, the pumps discharge to an

¹ Marin County Flood Control and Water Conservation District. *Marin City Drainage Study*. January 22, 2018.

approximately 2,000 foot-long dual 12-inch HDPE force main that discharges into the existing Gateway Pond Discharge Structure located in the privately-owned pond. The combined flow of both pumps running is approximately 10 cfs. The work was conducted under accelerated conditions with the goal of installing the pump as soon as possible. The system was up and running in December 2024.

The Marin City Pond Pump Station Flood Reduction Project (Project) is needed to provide a permanent solution to reduce flooding in Marin City and to maximize the limited conveyance capacity across US 101.

Project Location and Environmental Setting

The Project site is bordered by US 101 to the east, the Marin Gateway Shopping Center to the south, and residential uses to the west and north, as well as a neighborhood of floating homes across US 101 in Richardson Bay. Regional and vicinity maps are shown on Figure 2-1 and Figure 2-2, respectively. An aerial map is shown on Figure 2-3.

Proposed Project

The Project proposes to construct a new platform-type pump station at the northeast corner of the Pond (refer to Figure 2-4). The new pump station would include a submerged confined basin intake structure in the Pond and a concrete discharge vault adjacent to the pump station platform. The discharge vault would connect to a new pond discharge structure via a new force main. Implementation of the Project would require the removal of six existing trees.

Pump Station

The proposed pump station is described in detail below and shown on Figure 2-5. A plan and elevation view of the pump station is shown on Figure 2-6.

Confined Intake Basin Structure

A confined intake basin structure with five basins would be located in the Pond.² The five basins would be located side by side, with a footprint of approximately 5.5 feet by 8 feet and a depth of 15 feet. Intake piping would connect to the invert of each basin. The intake basins would be protected by a large, removable debris screen to prevent sediment and debris from falling into the intake basins and damaging the pumps. Maximum debris screen sizing is anticipated to be slightly bigger than 1.5 inches. In addition, the pump intakes would be designed to minimize velocities for hydraulic performance and debris which also serves to protect aquatic life from being sucked into the pump intakes.

² Two of the basin structures would be reserved for future pumps.













Platform

The pump station would include a steel platform structure designed to hold and support the three pumps, intake, and vertical and discharge pipes. The platform would be approximately 36 feet by 28 feet and would include a pedestrian walkway to facilitate future maintenance activities. The platform would also hold pumping accessories and electrical equipment. The platform design would include space for two additional pumps that may be added in the future when rising sea levels limit the flow rate through the existing 6-foot by 4-foot culvert under US 101. The electrical and control systems for the two future pumps would be installed, but the pumps, air and vacuum valves, flap gates, and a short length of pipe would need to be installed in the future. The generator is designed to run three pumps with a fourth pump starting, so future upgrades to the generator are not anticipated.

The floor of the platform would be at an elevation of 12.5 feet NAVD88 to prevent inundation under current conditions. The Pond-side of the platform would include a wall with an overhanging roof to protect the pump control cabinetry and workers from rain during operation and maintenance activities. The other sides of the platform would be protected by steel railings and anti-climb security fencing. Access to the platform is via a staircase protected by a locking gate with a sign indicating "Authorized Personnel Only."

Discharge Vaults

All three pumps (and two future pumps) would discharge flow into a reinforced concrete discharge vault. The discharge vault would include flap gates mounted to the inside wall over the pump discharge openings in order to prevent backflow into the pump force mains. A slide gate is included over the connection to the force main to isolate the discharge vault during maintenance activities. The discharge vault would have interior dimensions of 6 feet by 32.5 feet. The roof of the discharge structure would include removable open grating for maintenance access.

Electrical Infrastructure

The pump station would include a switchboard and motor control center. The switchboard and motor control center would be enclosed with two air conditioning units. The paneling and electrical components within the enclosures would also be housed in the interior of the enclosure. A utility metering section with a pull section, utility meter, and main circuit breaker would be provided in the switchboard.³

Storm Drain Force Main

An approximately 165-linear-foot, 48-inch-wide reinforced concrete pipe (RCP) would connect the discharge vault to the pond discharge structure. Installation of the 48-inch storm drain force main would require the removal of an existing 15-inch culvert headwall and 42 linear feet of 15-inch corrugated metal pipe (CMP) that would be replaced by a

³ The switchboard will be EUSERC compliant, UL 891 listed, and conform to PG&E "Green Book" requirements.

15-inch RCP culvert. The purpose of the 15-inch pipe is to drain the California Department of Transportation (Caltrans) Right-of-Way into the Pond.

Discharge Structure

The reinforced concrete pond discharge structure would be rectangular with interior dimensions of 8 feet by 12 feet. The western wall (Pond-side) of the structure would have a 6-foot by 4-foot opening to allow for unrestricted flow to the existing 6-foot by 4-foot culvert under US 101. An 8-inch pipe connection into the existing 6-foot by 4-foot box culvert would be demolished to construct the new pond discharge structure.

The floor of the Pond discharge structure would be sloped from west to east, starting at 0.5 feet elevation (i.e. flush with the invert of the opening) and ending at 0.25± feet elevation (i.e. flush with the existing culvert). An automated slide gate would be mounted to the outside of the western wall opening that would be programmed to open and close depending on weather conditions. Removable flash boards would be installed inside of the Pond discharge structure to set minimum Pond levels during dry weather conditions. These will be removed prior to the rainy season and reinstalled following the rainy season.

The roof of the Pond discharge structure would include a hatch and manhole lid for maintenance access.

Flood Wall

A new floodwall would be constructed within the Caltrans Right-of-Way using a shallow foundation retaining wall system (see Figure 2-7). The floodwall would be approximately 688 feet in length and would have an elevation of approximately 12 feet at the top of the wall. The existing Caltrans Right-of-Way adjacent to the Pond has an elevation of approximately 6 to 8 feet, whereas US 101 has an elevation of approximately 12 feet.

Box Culvert Repairs

The Project would also propose to repair the existing 6-foot by4-foot storm drain culvert that connects the Pond to Richardson's Bay. Polyurethane foam would be injected into cracks and separations found along the full length of the culvert to fill voids behind the culvert and seal the cracks and separations pending permit approvals.

Storm Drain Upsizing and Manhole Replacement

Approximately 377 linear feet of undersized (42-inch) storm drain in the neighboring Marin Gateway Shopping Center parking lot would be upsized to a 7-foot by 3-foot reinforced concrete box using traditional, open trench installation methods, as shown in Figure 2-8.





Additionally, three manhole lids would be rebuilt to incorporate lockable lids. The manholes are located adjacent to the Pond, approximately 65 feet northeast of Drake Avenue within the Ponderosa Estates residential complex, and on Phillip Drive approximately 215 feet southwest of Drake Avenue (refer to Figure 2-9).

Site Access and Maintenance

The pump station would be accessed by the existing northwest driveway from the Marin Gateway Shopping Center, on the north side of Target. Maintenance vehicles would drive north through the drive aisle north of Target to a 16-foot-wide access gate. The drive aisle is primarily used for truck loading and unloading; if the drive aisle is blocked, then maintenance vehicles may drive along the east side of Target to the access gate. A 10-foot-high fence would replace the existing fencing at the entry gate and a mountable curb would be constructed. Once through the access gate, maintenance vehicles would drive north and east along a proposed access path that would lead to the to the pump platform. The access path continues south along the east side of the Pond and terminates at the southeast corner of the Pond.

The proposed maintenance path would be designed to accommodate a truck-mounted crane mobilized to the site for maintenance purposes; no on-site cranes are proposed. The truck-mounted crane would be used to assist with removing the air and vacuum valves over each pump tube and to raise the pumps for maintenance. Each pump is estimated to weigh 2,385 pounds. The maintenance path would also allow for a VacCon⁴ truck and Fire Truck to reach both the pump station platform structure and the pond discharge structure. The VacCon truck employs a powerful vacuum to suction out materials, facilitating the cleaning and maintenance of pump station infrastructure. This process helps prevent clogs, enhances system efficiency, and reduces the need for manual cleaning. A boom operator would be able to stand and direct the boom into the discharge vault or pond discharge structure for cleaning.

⁴ A VacCon truck, commonly used for pump station maintenance, is a large sized maintenance truck equipped with a boom and vacuum system designed to remove accumulated debris, sediments, and sludge from collection points in pump stations.



Utilities

The pump station would be served by an existing 12 kilovolt (kV) utility primary distribution network. The primary distribution network is owned and operated by Pacific Gas & Electric (PG&E). The power supply to the pump station would be from a pad mounted transformer to be provided and sized by PG&E.

The Project would include an outdoor emergency backup generator. The 500 kV generator would be located on an approximately 20.5-foot by 10.5-foot pad located north of the pump station platform. The generator would be Tier 3⁵ and sized to accommodate three pumps running at full speed and a fourth pump starting. The generator would run on diesel.

Approximately 384 linear feet of 1-inch water line would be installed to serve the new pump station. The water line would connect to the pump station from Donahue Street.

Lighting

Pole-mounted lights would be utilized within the pump station site for pump station security at night and for maintenance purposes. Light fixtures would be located throughout the platform perimeter and equipment pads. Motion sensors would activate the lights for a limited period of time if movement were detected on the platform. A manual light switch would be installed near the staircase to sustain lighting during maintenance activities.

A video camera would be installed for remote surveillance.

Easements and Right-of-Way Requirements

The Project would require four temporary construction easements/encroachment permits (TCEs), two for the Gateway Shopping Center, one for the residential community directly to the north, and one for Caltrans to the east (see Figure 2-10).

A new easement will be defined and acquired by the County of Marin (County) for maintenance/operation as well as ingress and egress to the pump station facilities, floodwall, and upsized storm drain pipeline, as needed.

The District would need to enter into an agreement with the Gateway Shopping Center, the private landowners to the northwest, and Caltrans prior to construction. The agreement is anticipated to establish an operation and maintenance area for the County to access and service the pump station and associated improvements.

⁵ Restricted exhaust emissions for engines ranging from 50 to 750 horsepower (hp).



Construction

Construction of the Project would take approximately 12 months to complete and would occur in one phase. A temporary construction exit would be established to allow access onto the southbound US 101 off-ramp (refer to Figure 2-11). Construction staging is anticipated to occur within the construction work area or the Gateway Shopping Center parking lot.

Construction of the Project would require 3,640 cubic yards (CY) of exported soil and 2,800 CY of imported soil, along with 3,500 tons of demolition disposal. Construction of the Project would result in approximately 3,900 square feet of new impervious surface.

In order to facilitate construction of the Project, a temporary cofferdam would be installed, and the Pond would be dewatered (refer to Figure 2-10). Dewatering activities would be done in accordance with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit.

Operation

The proposed pump station would operate during storm events that generate 0.25inches of rain over a 24-hour period. It is estimated that this would occur approximately 47 times per year. During a 0.25-inch storm event, the pump station would operate for approximately two to three hours to draw down the Pond and an additional nine hours over the duration of the event, based on historical trends. However, actual hours of operation for the proposed pump station would be highly dependent on the annual fluctuations of rainfall.

The pump station is activated when switched to wet weather mode before a 0.25-inch storm event. The District would be responsible for monitoring storm events and determining when to switch to wet weather mode. Once activated, the pumps would operate automatically based on the water level in the Pond. When in wet weather mode, the pump station will draw down the Pond and continue to turn on anytime the water level in the Pond rises. It will shut off anytime the water level in the Pond is significantly higher than the tide, and water can flow at a higher rate due to gravity flow. Once the water level in the Pond drops back down, the pump station would turn back on.



Project-Related Approvals, Agreements, and Permits

Project approval would require the adoption by the District Board of Supervisors of a resolution approving project construction and operation. It is anticipated that the project would require the following permits:

- National Marine Fisheries Services
- US Fish and Wildlife Service
- US Army Corp of Engineers Section 404 Permit
- California Regional Water Quality Control Board Section 401 Water Quality Certification(s) and/or Waste Discharge Requirements
- California Department of Transportation
- San Francisco Bay Conservation and Development Commission

III. CIRCULATION AND REVIEW

This Initial Study/Mitigated Negative Declaration is being circulated for a 30-day review and comment period pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15073. It is being circulated to all agencies that have jurisdiction over the subject property or the natural resources affected by the project and to consultants, community groups, and interested parties to attest to the completeness and adequacy of the information contained in the Initial Study as it relates to the concerns which are germane to the agency's or organization's jurisdictional authority or to the interested parties' issues.

Marin County Agencies:

- Marin County Department of Public Works (DPW)
- Marin County Fire Department

Trustee and Responsible Agencies:

- National Marine Fisheries Services
- US Fish and Wildlife Service
- US Army Corp of Engineers
- California Department of Fish and Wildlife
- California Regional Water Quality Control Board
- California Department of Transportation
- San Francisco Bay Conservation and Development Commission

IV. EVALUATION OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Pursuant to Section 15063 of the State CEQA Guidelines and the County Environmental Impact Review (EIR) Guidelines, Marin County will prepare an Initial Study for all projects not categorically exempt from the requirements of CEQA. The Initial Study evaluation is a preliminary analysis of a project which provides the County with information to use as the basis for deciding whether to prepare an EIR or Negative Declaration. The points enumerated below describe the primary procedural steps undertaken by the County in completing an Initial Study checklist evaluation and, in particular, the manner in which significant environmental effects of the project are made and recorded.

- A. The determination of significant environmental effect is to be based on substantial evidence contained in the administrative record and the County's environmental database consisting of factual information regarding environmental resources and environmental goals and policies relevant to Marin County. As a procedural device for reducing the size of the Initial Study document, relevant information sources cited and discussed in topical sections of the checklist evaluation are incorporated by reference. Other sources used or individuals contacted may also be cited in the discussion of topical issues where appropriate.
- **B.** In general, a Negative Declaration shall be prepared for a project subject to CEQA when either the Initial Study demonstrates that there is no substantial evidence that the project may have one or more significant effects on the environment. A Negative Declaration shall also be prepared if the Initial Study identifies potentially significant effects, but revisions to the project made by or agreed to by the applicant prior to release of the Negative Declaration for public review would avoid or reduce such effects to a level of less than significance, and there is no substantial evidence before the Lead County Department that the project as revised will have a significant effect on the environment. A signature block is provided in Section V of this Initial Study to verify that the project sponsor has agreed to incorporate mitigation measures into the project in conformance with this requirement.
- **C.** All answers to the topical questions must take into account the whole of the action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. Significant unavoidable cumulative impacts shall be identified in the Mandatory Findings of Significance discussion of this Initial Study.
- D. A brief explanation shall be given for all answers except "Not Applicable" answers that are adequately supported by the information sources the Lead County Department cites in the parenthesis following each question. A "Not Applicable" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "Not Applicable" answer shall be discussed where it is based on project-specific factors as well as general standards (e.g. the project screening analysis).
- **E.** "Less Than Significant Impact" is appropriate if an effect is found to be less than significant based on the project as proposed and without the incorporation of mitigation measures recommended in the Initial Study.

- **F.** "Potentially Significant Unless Mitigated" applies where the incorporation of recommended mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The Lead County Department must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- **G.** "Significant Impact" is appropriate if an effect is significant or potentially significant, or if the Lead County Department lacks information to make a finding that the effect is less than significant. If there are one or more effects which have been determined to be significant and unavoidable, an EIR shall be required for the project.
- **H.** The answers in this checklist have also considered the current State California Environmental Quality Act Guidelines and Appendix G contained in those Guidelines.

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "potentially significant impact" as indicated by the checklist on the following pages.

Aesthetics	Agriculture and Forestry Resources
🖂 Air Quality	🛛 Biological Resources
Cultural Resources	🔀 Energy
Geology and Soils	🔀 Greenhouse Gas Emissions
igtimes Hazards and Hazardous Materials	🔀 Hydrology and Water Quality
⊠ Land Use and Planning	Mineral Resources
🖂 Noise	Population and Housing
Public Services	Recreation
Transportation	🔀 Tribal Cultural Resources
Utilities and Service Systems	Wildfire
Mandatory Findings of Significance	

Environmental Impact Checklist 1. Aesthetics

Exe Co	cept as provided in Public Resources de Section 21099, would the project:	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Have a substantial adverse effect on a scenic vista?			\boxtimes	
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			\boxtimes	
c)	Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			\boxtimes	

Environmental Setting

Regulatory Framework

State

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no officially designated state scenic highways within Marin County.

Local

Marin Countywide Plan

Various policies and actions in the Marin Countywide Plan have been adopted to avoid or mitigate impacts to aesthetic resources resulting from planned development within the County, including the following:

Policy	Description
DES-4.1	Preserve Visual Quality. Protect scenic quality and views of the natural
	environment — including ridgelines and upland greenbelts, hillsides, water,
	and trees —from adverse impacts related to development.
CD-1.1	Direct Land Uses to Appropriate Areas. Concentrate urban development in
	the City-Centered Corridor, where infrastructure and facilities can be made
	available most efficiently. Protect sensitive lands in the Baylands Corridor.
	Emphasize agricultural uses in the Inland Rural Corridor, along with
	preservation of resources, habitat, and existing communities. Focus on open
	space, recreational, and agricultural land uses, as well as preservation of
	existing communities, in the Coastal Corridor.

Existing Conditions

Project Site

The Project site is located south of US 101 and north of Donahue Street and the Gateway Shopping Center in the City-Centered Corridor. The Project site consists of a 3-acre privately owned stormwater detention Pond, which connects to Richardson Bay via a 6-foot by 4-foot culvert located within Caltrans right-of-way.

Surrounding Area

The Project site is bordered by US 101 to the north and east, the Marin Gateway Shopping Center to the south, and residential uses to the west. Structures are predominately one- to two-stories. The Project area is developed with a mix of land uses and architectural styles. As a result, no single design aesthetic is dominant. Commercial areas comprise primarily of stucco and simple architectural features. Nearby residential areas include wood frame homes.

Scenic Views

Public vantage points of prominent vistas (or scenic vistas) are typically located along roads and trails/paths in the elevated areas of the County, such as hilly sections of State Route 1, ridgelines, and other upland areas. In the City-Centered Corridor, vistas are often obstructed by extensive development along and adjacent to US 101. Along south US 101, there are views of Mt. Tamalpais and Tamalpais State Park, and, after exiting the Robin Williams Tunnel southbound, there are views of San Francisco and the Golden Gate Bridge.

Impact Discussion

a) Have a substantial adverse effect on a scenic vista?

The Project site provides obstructed views of the Golden Gate National Recreation Area. The proposed pump station would consist of a steel platform structure designed to hold and support the three pumps, intake, vertical and discharge pipes. The platform would be approximately 36 feet by 28 feet and would include a pedestrian walkway to facilitate future maintenance activities. While the Project would introduce a new pump station at the Pond, the Project would not result in a substantial adverse effect on public views since views of Golden Gate National Recreation Area are already obstructed by extensive development along US 101. Therefore, the Project would not have a substantial adverse effect on a scenic vista. **(Less than Significant Impact)**

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

There are no officially designated state scenic highways within the County.⁶ Therefore, implementation of the proposed Project would not damage any scenic resources, such as trees, rock outcroppings, and historic buildings within a state scenic highway. **(Less than Significant Impact)**

c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The Project site is located within an urbanized area of Marin County. The Project site is visible from US 101 and from public vantage points at the Marin Gateway Shopping Center.

The Project site is within the Planned Commercial (CP-HOD) zoning district. The CP zoning district provides for lower-intensity commercial areas for retail shopping, office facilities, and residential uses. The Project involves construction of a new pump station at an existing stormwater detention pond. The Project would introduce a new steel platform structure at the northeast corner of the Pond, the platform would be approximately 36 feet by 28 feet and would include a pedestrian walkway to facilitate future maintenance activities. Public utility facilities are a permitted use within the Planned Commercial zoning district.

As discussed in Section 4. Biological Resources, the Project would remove six nonnative acacia trees. These acacia trees are not native and would not be considered as protected or heritage trees that would require tree replacement as a form of mitigation. In addition, three non-native acacia trees and one 6-inch-diameter native California buckeye tree would be removed to accommodate the establishment of wetlands within the on-site mitigation area. Impacted aquatic resources shall be offset to achieve a nonet-loss of wetlands through on-site establishment at a minimum of a 1:1 mitigation ratio (refer to MM BIO-2.2). Therefore, the Project would not substantially degrade the existing visual character or public views of the site and would not conflict with applicable zoning and other regulations governing scenic quality of the County. **(Less than Significant Impact)**

⁶ County of Marin. *Marin County Housing Element/Safety Element Update Draft EIR*. October 2022.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

As discussed in Section II. Project Information, the Project would include pole-mounted lights for security at night and for maintenance purposes. Light fixtures would be located throughout the platform perimeter and equipment pads. Motion sensors would activate the lights for a limited period of time if movement were detected on the platform. The Project lighting would conform to Section 22.16.030(G) of the County Code, which requires use of low-wattage fixtures and that light be directed downward and shielded to prevent adverse lighting impacts on nearby properties. For these reasons, the proposed Project would not create significant source of substantial light or glare that would adversely affect day or nighttime views of the Project area. **(Less than Significant Impact)**

2. Agriculture and Forestry Resources

Wa	ould the project:	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non- agricultural use?				
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				\boxtimes
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				
d)	Result in the loss of forest land of conversion of forest land to non-forest use?				\boxtimes
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or				\boxtimes

Environmental Setting

Regulatory Framework

State

Farmland Mapping and Monitoring Program

conversion of forest land to non-forest use?

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is identified as Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.⁷

⁷ California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed May 13, 2024. <u>http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.</u>

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.⁸

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.⁹ Programs such as CAL FIRE's Fire and Resource Assessment Program are used to identify whether forest land, timberland, or timberland production areas could be affected are located on or adjacent to a project site.¹⁰ Existing Conditions

Based on the Important Farmland Series Maps, the Project site is located on Urban and Built-Up Land.¹¹ The Project site does not contain agricultural resources, nor does it contain forest areas or land under Williamson Act contracts.

Impact Discussion

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

There are no agricultural resources located on-site including Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The Project would have no impact on agricultural resources. (**No Impact**)

⁸ California Department of Conservation. "Williamson Act." <u>http://www.conservation.ca.gov/dlrp/lca.</u>

⁹ Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

¹⁰ California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed May 13, 2024. <u>http://frap.fire.ca.gov/.</u>

¹¹ California Department of Conservation. *California Important Farmland Finder*. Accessed May 13, 2024. <u>https://maps.conservation.ca.gov/dlrp/ciff/</u>

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The Project site is not subject to a Williamson Act contract. The site is located within the CP-HOD zoning district and would not conflict with any agricultural zoning. **(No Impact)**

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

The Project site is not zoned for forestland, timberland, or timberland zoned Timberland Production. The Project would not impact these resources by conflicting with existing zoning for forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

d) Result in the loss of forest land of conversion of forest land to non-forest use?

The Project site is developed and does not contain land uses that could serve as forest land. Therefore, the Project would not result in the conversion of forest land to non-forest uses. **(No Impact)**

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The Project site is located in an area of Marin County developed with urban uses and does not contain land uses that could serve as agricultural or forest land. Therefore, the Project would not result in the conversion of agricultural or forest land to non-agricultural or non-forest uses. (**No Impact**)

3. Air Quality

Wa	buld the project:	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Conflict with or obstruct implementation of the applicable air quality plan?			\boxtimes	
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.				
c)	Expose sensitive receptors to substantial pollutant concentrations?		\boxtimes		
d)	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				
Env	vironmental Setting				

Regulatory Framework

Federal and State

Clean Air Act

At the federal level, the U.S. Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants, particulate matter (PM), ozone (O_3), carbon monoxide (CO), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), and lead.¹²

The California Air Resources Board (CARB) is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

¹² NO_x is the group of nitrogen compounds (NO₂ and nitric oxide [NO]) that typically represents NO₂ emissions because NO₂ emissions contribute the majority of NO_x exhaust emissions emitted from fuel combustion.

Diesel Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, this plan involves the application of emission control strategies to existing diesel vehicles and equipment to reduce diesel particulate matter (DPM) and other pollutants. Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment, including offroad equipment, will significantly reduce emissions of DPM and NO_x.

2017 Clean Air Plan

The Bay Area Air District (BAAD), formerly known as the Bay Area Air Quality Management District (BAAQMD), is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area, which includes the project area. Regional air quality management districts, such as BAAD, must prepare air quality plans specifying how federal and state air quality standards will be met. BAAD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on the following two related BAAD goals and how to achieve them:

- Protect air quality and health at the regional and local scale by attaining all state and national air quality standards and eliminating disparities among Bay Area communities in cancer health risk from toxic air contaminants (TACs); and
- Protect the climate by reducing Bay Area greenhouse gas (GHG) emissions 40 percent below 1990 levels by 2040 and 80 percent below 1990 levels by 2050.¹³

CEQA Air Quality Guidelines

The BAAD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAD rules, methods of analyzing impacts, and recommended mitigation measures. The latest CEQA Air Quality Guidelines are the 2022 CEQA Air Quality Guidelines adopted on April 20, 2023 by the BAAD's Board of Directors.

Local

Marin Countywide Plan

The following policies in the Marin Countywide Plan have been adopted for the purpose of reducing or avoiding impacts related to air quality and are applicable to the Project.

¹³ Bay Area Air Quality Management District. *Final 2017 Clean Air Plan.* April 19, 2017. Page 12.

Policy/Program	Description	
AIR-1.3	Require projects that generate potentially significant levels of air pollutants,	
	such as quarry, landfill operations, or large construction projects, to	
	incorporate best available air quality mitigation in the project design.	
AIR-1.b	Evaluate Air Quality Impacts of Proposed Projects and Plans. As part of the Environmental Review Process, use the current BAAQMD CEQA	
	Guidelines to evaluate the significance of air quality impacts from projects or	
	plans, and to establish appropriate minimum submittal and mitigation	
	requirements necessary for project or plan approval.	
AIR-1.g	Require Control Measures for Construction and Agricultural Activity.	
0	Require reasonable and feasible measures to control particulate emissions	
	(PM-10 and PM-2.5) at construction sites and during agricultural tilling	
	activity, pursuant to the recommendations in the BAAQMD CEQA	
	Guidelines, which may include the following:	
	 Watering active construction or agricultural tilling areas. 	
	Covering hauled materials.	
	 Paving or watering vehicle access roads. 	
	Sweeping paved and staging areas.	

Existing Conditions

The San Francisco Bay Area (Bay Area) Air Basin is designated a nonattainment area for the federal O_3 and PM_{2.5} standards and for the state O_3 , particulate matter with a diameter of 10 microns or less (PM₁₀), and particulate matter with a diameter of 2.5 microns or less (PM_{2.5}) standards.^{14,15} The area has attained both National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) for CO, SO_2 , and NO_2 . As the regional air district, BAAD is responsible for attaining the NAAQS and CAAQS for these pollutants. As part of an effort to attain and maintain ambient air quality standards for O₃, PM₁₀, and PM_{2.5}, BAAD has established thresholds of significance for these air pollutants and their precursors that apply to both construction period and operational period impacts. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce O_3 levels. The highest O_3 levels in the Bay Area occur in the eastern and southern inland valleys where temperatures are higher, there is less wind circulation, and sources of the precursor pollutants (ROG and NO_x) are prominent. In the Bay Area, most PM is generated from the following activities: combustion, factories, construction, grading, demolition, agriculture, and motor vehicles. Motor vehicles are currently responsible for about half of particulates in the Bay Area. Elevated concentrations of PM₁₀ and PM_{2.5} are the result of both region-wide emissions and localized emissions.

¹⁴ Bay Area Air Quality Management District. "Air Quality Standards and Attainment Status." Last Updated January 5, 2017. Accessed December 8. 2023. <u>https://www.baaqmd.gov/about-air-guality/research-and-data/air-quality-standards-and-attainment-status</u>

¹⁵ The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of SO₂ or lead. These criteria pollutants are not discussed further.

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following groups who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

Worker Receptors

In addition to the sensitive receptors mentioned above, BAAD considers worker receptors when reviewing impacts from air pollution and TACs. Worker receptors are adults (16 years and older) that work indoors and/or outdoors at off-site locations zoned for commercial and industrial uses. Typical developments that include worker receptors are offices, retail shops, manufacturing uses, light industrial uses, or heavy industrial uses.16

Thresholds of Significance

As discussed in State CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The County of Marin has considered the air quality thresholds updated by BAAD in April 2023 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and PM_{2.5}.

The BAAD CEQA Air Quality thresholds for criteria air pollutants and fugitive dust used in this analysis are identified in Table 3-1. Table 3-2 below lists the BAAD health risk and hazards thresholds for single-source and cumulative-sources.

Table 5-1. BAAD All Quality Significance Thesholds			
	Construction Thresholds*	Operation Thresholds	Operation Thresholds
Criteria Air Pollutant	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
ROG and NO _x	54	54	10
PM ₁₀	82 (exhaust)	82	15
PM _{2.5}	54 (exhaust)	54	10
СО	Not Applicable	9.0 parts per million (ppm ppm (one-hour)) (eight-hour) or 20.0
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	

Table 3 1: BAAD Air Quality Significance Thresholds

¹⁶ Bay Area Air District. California Environmental Quality Act Air Quality Guidelines Appendix E: Recommended Methods for Screening and Modeling Local Risks and Hazards. Page E-14.

	Construction Thresholds*	Operation Thresholds	Operation Thresholds
Criteria Air Pollutant	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)

* The Air District recommends for construction projects that require less than 1 year to complete, lead agencies should annualize impacts over the scope of actual days that peak impacts would occur rather than over the full year. Additionally, for phased projects that results in concurrent construction and operational emissions. Construction-related exhaust emissions should be combined with operational emissions for all phases where construction and operations overlap.

Source: Bay Area Air District. 2022 California Environmental Quality Act Air Quality Guidelines. April 2023. Pages 3-5 and 3-6.

Table 3-2: BAAD Health Risks and Hazards Thresholds			
Health Risk Single Source Combined Cumulative Sources			
Cancer Risk	10 per one million	100 per one million	
Non-Cancer Hazard Index	1.0	10.0	
Annual PM _{2.5} Concentration	0.3 µg/m³	0.8 μg/m³ (average)	

Notes: $\mu g/m^3$ = micrograms per cubic meter

Thresholds are applicable to construction and operational activities.

Source: Bay Area Air Quality Management District. 2022 California Environmental Quality Act Air Quality Guidelines. April 2023. Pages 3-5 and 3-6.

Impact Discussion

a) Conflict with or obstruct implementation of the applicable air quality plan?

Consistency with 2017 CAP

The most current air quality plan from BAAD is the 2017 CAP. The goals of the 2017 CAP include protecting public health (as it relates to air quality) and protecting the climate. The BAAD Air Quality Guidelines states that a determination of consistency with the 2017 CAP should demonstrate that the project supports the primary goals of the 2017 CAP, includes applicable control measures from the 2017 CAP, and does not disrupt or hinder implementation of any 2017 CAP control measures. The control measures describe specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities (Chapter 5, page 5/35):

- 1. Reduce emissions of criteria air pollutants and TACs from all key sources.
- 2. Reduce emissions of "super-GHGs" such as methane, black carbon, and fluorinated gases.
- 3. Decrease demand for fossil fuels (gasoline, diesel, and natural gas).
 - o Increase efficiency of energy, buildings, and transportation sectors
 - Reduce demand for vehicle travel, and high-carbon goods and services.
- 4. Decarbonize our energy system.
 - Make the electricity supply carbon-free.
 - Electrify the transportation and building sectors.
As discussed below, the Project does not exceed the BAAD thresholds for construction and operational criteria air pollutant emissions. The Project would involve infrequent vehicle trips for maintenance (consistent with 2017 CAP priority #1) and would not result in substantial criteria pollutant emissions or demands for fossil fuels (consistent with 2017 CAP priority #3). For these reasons, the Project would not preclude implementation of the 2017 CAP control measures and would not conflict with or obstruct implementation of the 2017 CAP. The Project, therefore, would not result in a significant impact related to consistency with the 2017 CAP.

Construction Criteria Pollutant Emissions

Construction of the proposed Project has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips by construction workers and trucks traveling to and from the project site. Fugitive dust emissions would primarily result from site preparation (e.g., clearing, grading, excavation, and loading) activities. NO_X emissions would predominantly result from the use of construction equipment and truck trips. Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation and, for dust, the prevailing weather conditions.

The BAAD 2022 CEQA Guidelines include screening levels for construction criteria air pollutants. While there is no land use category for "pump stations" the proposed pump station would result in less construction activity than a "General Office Building," which has a screening level of up to 452,000 square feet.¹⁷ Therefore, Project construction would have a less than significant criteria pollutant emissions impact. In addition, the Project would be required to incorporate BAAD's Basic Best Management Practices for Construction-Related Fugitive Dust Emissions to further reduce emissions (refer to checklist question c) below).

Operational Criteria Pollutant Emissions

As discussed above, BAAD does not have screening levels for "pump stations;" however, a "General Office Building" has a screening level size of up to 765,000 square feet to conclude a less than significant operational criteria pollutant impact. Operational activities associated with the proposed Project would be minimal. Implementation of the proposed Project would not introduce any new trip-generating land uses to the Project area, nor would it introduce new residences or jobs. The pump station would require infrequent maintenance, and any intermittent vehicle trips would result in negligible regional emissions on a daily basis. The pump station building would house a control room, as well as three new pumps, and be equipped with exterior security lighting. The pump station would be served by an existing 12 kV utility primary distribution network. The energy consumed by these functions would result in indirect air pollutant emissions. Based on the above, it can be presumed that the proposed pump station would result in less operational criteria pollutant emissions than a General Office Building (up to

¹⁷ Bay Area Air Quality Management District. *2022 California Environmental Quality Act Air Quality Guidelines*. April 2023.

765,000 square feet). Therefore, Project operation would have a less than significant criteria pollutant emissions impact.

As described above, the Project would not conflict with or obstruct implementation of the applicable air quality plan. The Project design is consistent with the applicable 2017 CAP control measures and project criteria air pollutant emissions (including both construction and operation emissions) would not exceed BAAD significance thresholds. Therefore, the Project would not conflict with or obstruct implementation of the 2017 CAP. **(Less than Significant Impact)**

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

The Bay Area is designated a nonattainment area for the federal O₃ and PM_{2.5} standards and for the state O₃, PM₁₀, and PM_{2.5} standards. The proposed Project would increase criteria pollutants in the Bay Area, contributing to existing violations of O₃ and particulate matter standards. As described in the BAAD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As discussed above under checklist question a), the proposed Project would not result in air pollutant emissions exceeding BAAD's significance thresholds. As a result, the proposed Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. **(Less than Significant Impact)**

c) Expose sensitive receptors to substantial pollutant concentrations?

Criteria Pollutant Emissions

In a 2018 decision (*Sierra Club v. County of Fresno*), the state Supreme Court determined that CEQA requires that when a project's criteria air pollutant emissions would exceed applicable thresholds and contribute a cumulatively considerable contribution to a significant cumulative regional criteria pollutant impact, the potential for the project's emissions to affect human health in the air basin must be disclosed. State and federal ambient air quality standards are health-based standards, and exceedances of those standards result in continued unhealthy levels of air pollutants. As stated in the 2022 BAAD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed to have no adverse health effect. As previously discussed, the proposed Project would not exceed BAAD

thresholds for operational or construction period criteria pollutant emissions. Therefore, the Project would not expose sensitive receptors to substantial criteria pollutant concentrations and would have a less than significant health impact.

Fugitive Dust

Construction activities associated with the Project, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAD CEQA Air Quality Guidelines consider these impacts to be less than significant if best management practices are implemented to reduce the emissions.

Impact AIR-1: Construction activities associated with the Project, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM₁₀ and PM_{2.5}.

Mitigation Measures:

- **MM AIR-1.1:** Consistent with Countywide Implementing Program AIR-1.g and County Code Section 22.20.040¹⁸, the Project incorporates the following BAAD best management practices to reduce fugitive dust related impacts to a less than significant level.
 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
 - All trucks and equipment, including their tires, shall be washed off prior to leaving the site.

¹⁸ Pursuant to County Code Section 22.06.050, the project is exempt from land use permit requirements.

- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

With implementation of MM AIR-1.1, the Project would have a less-than-significant impact related fugitive dust emissions. The Project would, therefore, not expose sensitive receptors to substantial pollutant concentrations associated with fugitive dust.

Toxic Air Contaminants

Construction equipment and associated heavy-duty truck traffic emits DPM, which is a known TAC. Construction exhaust emissions pose health risks for sensitive receptors. The nearest sensitive receptors to the site are the residents located approximately 65 feet northeast of Drake Avenue within the Ponderosa Estates residential complex. Prevailing winds in the County primarily transport pollutants to the east and southeast (i.e., toward the waters of San Pablo Bay and San Francisco Bay) where sensitive receptors generally do not reside.¹⁹ The expected health risk impacts from construction are low given the relatively short duration of construction (12 months), the setback proximity to sensitive receptors, and effective dispersions conditions.

The Project would include a new standby 500-kV emergency generator to provide power to run the pumps in the event of an outage. The generator would operate infrequently, only for testing and maintenance and during the power outages when power is needed. This would be anticipated to be less than 50 hours per year. Similar to construction impacts, health risks from generator operation would be low and less than significant. **(Less than Significant Impact with Mitigation Incorporated)**

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Odors are generally considered an annoyance rather than a health hazard. Land uses that have the potential to be sources of odors that generate complaints include, but are not limited to, wastewater treatment plants, landfills, composting operations, and food manufacturing facilities. Heavy-duty construction equipment and vehicles would emit odors, such as diesel exhaust, during use and while idling. These odors would be intermittent, and the odors would disperse with distance. All construction-related odors would cease upon completion of construction. During operations, the proposed pump station would not generate objectionable odors. The Project would, therefore, not create

¹⁹ County of Marin. *Marin County Housing Element/Safety Element Update Draft EIR*. October 2022.

objectionable odors that would affect a substantial number of people off-site. (Less than Significant Impact)

Wa	ould the project:	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				
c)	Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		\boxtimes		
f)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				

4. Biological Resources

This section is based, in part, on a Biological Resource Report prepared for the project by Huffman Broadway Group, Inc. The report, dated October 2024, is attached to this Initial Study as Appendix A.

Environmental Setting

Regulatory Framework

Federal and State

Endangered Species Act

Individual plant and animal species listed as rare, threatened, or endangered under state and federal Endangered Species Acts are considered special-status species. Federal and state endangered species legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the take of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" these species. Take is more broadly defined by the federal Endangered Species Act to include harm of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Sections 15380(b) and (c) of the State CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW-listed Species of Special Concern.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. This includes direct and indirect acts, except for harassment and habitat modification, which are not included unless they result in direct loss of birds, nests, or eggs. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Fish and Game Code Section 1602

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act is the primary law that governs marine fisheries management in U.S. federal waters. First passed in 1976, the act fosters the long-term biological and economic sustainability of marine fisheries. The act established a consultation process to avoid, minimize, and mitigate adverse effects on essential fish habitat (EFH), which is administered by the National Marine Fisheries Service (NMFS). EFH consists of aquatic areas that contain habitat essential to the long-term survival and health of fisheries.

Local

Marin Countywide Plan

The following policies in the Marin Countywide Plan have been adopted for the purpose of reducing or avoiding impacts related to biological resources and are applicable to the Project.

Policy/Program	Description
BIO-1.5	Encourage use of a variety of native or compatible nonnative, non-invasive plant species indigenous to the site vicinity as part of project landscaping to improve wildlife habitat values.
BIO-1.6	Prohibit use of invasive species in required landscaping as part of the discretionary review of proposed development. Work with landowners, landscapers, the Marin County Open Space District, nurseries, and the multi-agency Weed Management Area to remove and prevent the spread of highly invasive and noxious weeds. Invasive plants are those plants listed in the State's Noxious Weed List, the California Invasive Plant Council's list of "Exotic Pest Plants of Greatest Ecological Concern in California," and other priority species identified by the agricultural commissioner and California Department of Agriculture. Species of particular concern include the following: barbed goatgrass (<i>Aegilops triuncialis</i>), giant reed (<i>Arundo donax</i>), Italian thistle (<i>Carduus pycnocephalus</i>), distaff thistle (<i>Carthamus lanatus</i>), purple starthistle (<i>Centaurea calcitrapa</i>), yellow starthistle (<i>Centaurea solstitialis</i>), pampas grass (<i>Cortaderia selloana</i>), Scotch broom (<i>Cytisus scoparius</i>), Cape ivy (<i>Delairea odorata</i>), oblong spurge (<i>Euphorbia oblongata</i>), fennel (<i>Foeniculum vulgare</i>), French broom (<i>Genista monspessulana</i>), salt-water cord grass (<i>Spartina alternifolia</i>), Spanish broom (<i>Spartium junceum</i>), medusahead (<i>Taeniatherum caput-medusae</i>), gorse (<i>Ulex europaeus</i>), and periwinkle (<i>Vinca major</i>), among others.
BIO-1.7	Require the removal of invasive exotic species, to the extent feasible, when considering applicable measures in discretionary permit approvals for development projects unrelated to agriculture, and include monitoring to prevent re-establishment in managed areas.

BIO-3.2	Where avoidance of wetlands is not possible, require provision of replacement habitat on-site through restoration and/or habitat creation at a minimum ratio of 2 acres for each acre lost (2:1 replacement ratio) for on-
	site mitigation and a minimum 3:1 replacement ratio for off-site mitigation. Mitigation wetlands should be of the same type as those lost and provide
	habitat for the species that use the existing wetland. Mitigation should also be required for incursion within the minimum WCA setback/transition zone.

Existing Conditions

Based on the field review conducted on May 3, 2023, there are five plant communities/habitat types that occur within the Project site: 1) nonnative grasslands along the berm and the edge of the Caltrans right-of-way, 2) coastal brackish marsh around the periphery of the Pond and at the edge of the Caltrans right-of-way, 3) coastal freshwater marsh within the roadside drainage ditch adjacent to US 101, 4) Urban habitat in paved and landscaped areas, and 5) Open Water within the Pond itself. The Pond provides foraging habitat for various species of waterbirds (e.g., herons and egrets), waterfowl (e.g., ducks and geese), shorebirds (e.g., sandpipers, yellowlegs, avocets and stilts), and other species such as gulls. These types of birds can be regularly seen in the Pond area foraging for fish and various benthic invertebrates commonly found within the Pond and in the shoreline mudflats and within the vegetated wetlands at the periphery of the Pond.

According to the eBird²⁰ data, 88 bird species have been observed at the Pond and the immediate vicinity. Species of waterbirds, waterfowl, and shorebirds that have been regularly seen in numbers by many observers include Canada goose, mallard, American wigeon, bufflehead, black-necked stilt, American avocet, greater yellowlegs, double-crested cormorant, great blue heron, great egret, snowy egret, ring-billed gull, western gull, California gull, brown pelican, and belted kingfisher. Many other species of waterbirds, waterfowl, and shorebirds are observed, but less frequently. The following waterbirds, waterfowl, and shorebirds were observed during four separate visits to the Project site:

- April 7, 2023 One mallard, eight American wigeon, one bufflehead, two blacknecked stilts, and 21 western gulls.
- May 3, 2023 three mallards, one great blue heron, and eight California gulls.
- September 12, 2024 two Canada goose, 15 greater yellowlegs, one great egret, one snowy egret, one great blue heron, and five brown pelicans.
- September 26, 2024 two mallards, nine American wigeon, eight greater yellowlegs, one great egret, one great blue heron, and one double-crested cormorant.

Other common bird species observed in the Project area include rock pigeon, turkey vulture, common raven, American crow, black phoebe, cliff swallow, European starling,

²⁰ eBird is a web-based tool for recording bird observations.

house finch, white-crowned sparrow, California towhee, Anna's hummingbird, barn swallow, and northern mockingbird.

Special-Status Species

According to the California Natural Diversity Database (CNDDB) search, three special status fish (green sturgeon, longfin smelt, and steelhead trout), four special status birds (California Ridgway's rail, California black rail, Great blue heron, and San Pablo song sparrow) and one special status mammal (salt marsh harvest mouse) are known to occur within 10 miles of the Project site. None of these species have the potential to occur within the Project site due to lack of suitable habitat.

Sensitive Natural Communities

Of the five sensitive natural communities²¹ documented in the CNDDB within 10 miles of the Project site (Coastal Terrace Prairie, Serpentine Bunchgrass, Valley Needlegrass Grassland, Northern Coastal Salt marsh, and Coastal Brackish Marsh), the only one present at the Project site is represented by small areas of Coastal Brackish Marsh within a muted tidal system. This Coastal Brackish Marsh habitat is referred to as Estuarine Intertidal Emergent Wetlands (refer to discuss below under Wetlands).

Essential Fish Habitat

There are no areas within the Pond identified as EFH under the Magnuson-Stevens Fishery Conservation and Management Act.

Wetlands

A wetland delineation was completed for the Project site to determine the jurisdiction of onsite aquatic resources under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Aquatic resources were also assessed for jurisdiction of the state under the Porter-Cologne Water Quality Control Act. The Project site contains three wetland classifications, as summarized below and shown on Figure 4-1:

- 2.4 acres of Estuarine Intertidal Unconsolidated Bottom
- 0.82 acres of Estuarine Intertidal Emergent Wetlands
- 0.22 acres of Palustrine Emergent Wetlands

It is anticipated that all of the onsite aquatic resources would be regulated as waters of the U.S. subject to Section 404 of the Clean Water Act and also waters of the state subject to Porter-Cologne Water Quality Control Act jurisdiction.

²¹ Sensitive Natural Communities are those that are listed to the CDFW CNDDB due to the rarity of the community in the state or throughout its entire range (globally).



Impact Discussion

 a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Special-Status Species

As discussed above, the Project does not support any special-status plant or animal species. Therefore, the Project would not impact special-status species.

Nesting Birds

Migratory birds, like nesting raptors, are protected under the MBTA and CDFW Code Sections 3503, 3503.5, and 3800. The CDFW defines "taking" as causing abandonment and/or loss of reproductive efforts through disturbance. Construction activities (including tree removal) on the Project site could result in the loss of eggs or nests. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact.

Impact BIO-1: Construction activities associated with the project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.

Mitigation Measures:

MM BIO-1.1: A preconstruction nesting bird survey shall be conducted by a gualified biologist if construction occurs during the bird nesting season (February 1-August 31). The survey shall be conducted within seven days prior to the start of work. The survey shall include the entire Project footprint and areas immediately adjacent to the Project work area. The survey shall include the trees and shrubs on and immediately adjacent to the Project work area. If the survey indicates the presence of nesting birds, a buffer shall be placed around the nest and marked with orange construction fencing within which no work will be allowed until the young have successfully fledged or the nest has otherwise become inactive. The size of the nest buffer will be determined by the qualified biologist and will be based on the nesting species, its sensitivity to disturbance, and the context of the nest location. In general, typical buffer widths range from 500 feet for large raptors such as buteos, 250 feet for small raptors such as accipiters, and 100 feet for passerines (songbirds) and other bird species. Buffers may be increased or decreased, as appropriate. No construction or earthmoving activity shall occur within the established buffer zone until

it is determined by the biologist that the young have fledged or that the nesting cycle is otherwise determined to be complete based on monitoring of the active nest.

Implementation of mitigation measure (MM) BIO-1.1 would identify and protect all active nests within the Project's area of effect from being disturbed during construction. For these reasons, the Project with the implementation of MM BIO-1.1 would not result in significant impacts to nesting birds. (Less than Significant Impact with Mitigation Incorporated)

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

As discussed above, the Project site contains small areas of Coastal Brackish Marsh (also referred to as Estuarine Intertidal Emergent Wetlands), which is a sensitive natural community. Implementation of the project would permanently impact 0.03 acres and temporarily impact 0.10 acres of Coastal Brackish Marsh habitat. As discussed under checklist question c) below, the Project would implement MM BIO-2.1 through 2.3 to achieve a no-net-loss of wetlands through on-site establishment at a minimum of a 1:1 mitigation ratio. Implementation of MM BIO-2.1 and MM BIO-2.2 would ensure the Project achieves a no-net-loss of wetlands through on-site establishment at a minimum of a 1:1 mitigation ratio (refer to discussion below under checklist question c). The Project, with implementation of MM BIO-2.1 and MM BIO-2.2, would result in less than significant impacts to natural communities. (Less than Significant Impact with Mitigation Incorporated)

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Permanent Impacts

Construction of the Project would result in the permanent loss of a total of 0.07 acres of wetlands, as summarized in Table 4-1 and shown on Figure 4-2.



PERMANENT AND TEMPORARY IMPACTS TO AQUATIC RESOURCES

Aquatic Resource Classification	Acreage	Impact
Estuarine Intertidal Unconsolidated Bottom Wetland	0.01	 Construction of the concrete confined intake basin Six piers for the pump station Concrete wing walls for the proposed culvert.
Estuarine Intertidal Emergent Wetland	0.03	 Grading for the maintenance and access road Construction of the concrete abutment for the pump station and discharge vault Five propeller pump pipes Four piers Concrete wing walls for the proposed culvert
Palustrine Emergent Wetland	0.03	 Construction of the retaining wall for the new flood wall
Total	0.07	

Table 4-1: Permanent On-Site Wetland Impacts

pact BIO-2: Construction activities associated with the Project would result in the permanent loss of a total of 0.07 acres of wetlands (0.01-acres of Estuarine Intertidal Unconsolidated Bottom Wetlands, 0.04acres of Estuarine Emergent Wetlands, and 0.03-acres of Palustrine Emergent Wetlands).

Mitigation Measures:

- MM BIO-2.1: Obtain Agency Authorizations. Prior to construction, the District shall obtain all requisite authorizations from agencies with jurisdiction over the affected aquatic resources within the Project site. Such approvals may include Section 404 permit(s) from USACE; and Section 401 Water Quality Certification(s) and/or Waste Discharge Requirements from the RWQCB.
- MM BIO-2.2: Achieve No Net Loss of Aquatic Area. Impacted aquatic resources shall be offset to achieve a no-net-loss of wetlands through on-site establishment at a minimum of a 1:1 mitigation ratio. If a greater mitigation acreage is necessary to meet state and federal agency or Marin Countywide Plan guidelines, additional mitigation acreage can be achieved through additional establishment on-site or purchase of credits at an agencyapproved mitigation bank in the region, or another agencyapproved habitat mitigation method (e.g., preservation, etc.).

MM BIO-2.3: Prepare and Implement Wetland Mitigation Plan. The District shall prepare and implement a Wetland Mitigation Plan to offset

wetland impacts by establishing wetlands at a ratio of one acre of mitigation for each acre of impact (minimum of 1:1 ratio). A detailed Mitigation and Monitoring Plan (MMP) shall be prepared following the guidance provided by the US Army Corps of Engineers 2008 Compensatory Mitigation for the Loss of Aquatic Resources; Final Rule (33 CFR Parts 325 and 332; 40 CFR Part 230) and in accordance with the Subpart J – Compensatory Mitigation for Losses of Aquatic Resources outlined in the State Water Resources Control Board "Procedures" and State Water Resources Control Board Implementation Guidance dated April 2020.

This detailed MMP shall be provided to the RWQCB for their review and approval. The MMP will use a watershed approach to ensure compensatory mitigation proposed to offset the wetland impacts provide a no-net-loss of wetland area and functions, established wetlands will be resilient to a drying climate cycle and rising sea levels, and the quality and quantity of aquatic resources established within the watershed is maintained or improved. Ecological Performance Standards such as physical and biological attributes will be developed that are observable and/or measurable to determine whether it is developing into the desired resource type, and attaining other applicable metrics such as acres, number of native plant species, water saturation and/or ponding depth etc. The MMP shall include a minimum five-year monitoring program and deed restriction to protect the mitigation lands in perpetuity.

With the implementation of MM BIO-2.1 and MM BIO-2.2, the Project would be required to obtain authorizations from agencies with jurisdiction over the affected aquatic resources within the Project site and achieve a no-net-loss of aquatic resources. The Project proposes to achieve a no net loss of aquatic resources through the establishment of wetlands along the Pond's western edge (referred to as the project mitigation site). Mitigation measure BIO-2.3 would establish 0.01 acre of Estuarine Intertidal Unconsolidated Bottom Wetlands by lowering the bottom elevation of a 0.01-acre area to 4 feet North American Vertical Datum of 1988 (NAVD88) or lower similar to impacted wetlands. The Estuarine Emergent Wetlands would be established by excavating 0.04-acre area of uplands to a bottom elevation between 4 to 7 feet NAVD88. The Palustrine Emergent Wetlands will be established by excavating and creating a concave depression within 0.03-acres of uplands to promote ponding and the establishment of wetland plants and hydric soils.

In order to implement the wetland mitigation plan (MM BIO-2.3), the Project would result in an additional loss of 0.01 acre of Estuarine Emergent Wetlands through conversion of an area of Estuarine Intertidal Emergent Wetland to Estuarine Intertidal Unconsolidated Bottom Wetland.

Implementation of MM BIO-2.3 would result in an additional Impact BIO-3: permanent loss of 0.01 acres of Estuarine Emergent wetlands at the Project mitigation site.

The Project would be required to achieve a no-net-loss of wetlands through on-site establishment at a minimum of a 1:1 mitigation ratio. Implementation of MM BIO-2.3 would ensure that the project establish a total of 0.08 acres of wetland. On-site establishment at a 1:1 mitigation ratio would reduce the Project's permanent wetland impact to less than significant.

Temporary Impacts

Construction of the Project would result in temporary impacts to 0.68 acres of wetlands, as summarized in Table 4-2 and shown on Figure 4-2.

Table 4-2: Temporary On-Site Wetland Impacts						
Aquatic Resource Classification	Acreage	Impact				
Estuarine Intertidal Unconsolidated Bottom Wetland	0.39	 Dewatering, placement of the cofferdam, and excavation Backfill of soil to install five propeller pump pipes to the confined intake basin Grading along the lower Pond edge 				
Estuarine Intertidal Emergent Wetland	0.10	 Dewatering Grading along the lower Pond edge Excavation and backfill of soil to install the five propeller pump pipes to the confined intake basin 				
Palustrine Emergent Wetland	0.19	 Construction of the retaining wall for the proposed flood wall 				
Total	0.68					

During construction dewatering, the culvert that allows muted tidal water to enter the Pond would be fully or partially blocked to prevent and/or reduce the amount of muted tidal water from entering the Pond. Fresh water will continue to enter the Pond from the two inflow culverts along the south side of the Pond, as a result the Pond will not be completely dewatered but partially dewatered for the duration of the project. As shown in Table 4-3, this would result in additional temporary impacts to approximately 2.0 acres of Estuarine Intertidal Unconsolidated Bottom Wetlands and 0.68 acres of Estuarine Emergent Wetlands.

Table 4-3: Temporary Off-Site Wetland Impacts

Aquatic Resource Classification	Acreage	Impact
Estuarine Intertidal Unconsolidated Bottom Wetland	2.0	 Temporary Impact due to dewatering
Estuarine Intertidal Emergent Wetland	0.68	
Total	2.68	

Impact BIO-4: Construction activities associated with the Project would result in the temporary loss of approximately 2.39-acres of Estuarine Intertidal unconsolidated Bottom Wetlands, 0.78-acres of Estuarine Emergent Wetlands and temporary impacts to 0.19-acres of Palustrine Emergent Wetland.

Mitigation Measures:

- **MM BIO-4.1: Minimization Measure.** To minimize temporary impacts to the Palustrine Emergent Wetlands, a surface barrier, such as filter fabric, shall be placed within the Palustrine Emergent Wetlands prior to installing the temporary access road and starting the retaining wall work. The barrier will prevent debris from entering the wetland and demarcate the boundary between temporary fill and the natural surface of the wetland.
- MM BIO-4.2: **Temporary Impacts.** Temporary impacts to the Estuarine Intertidal Unconsolidated Bottom and Estuarine Emergent Wetlands will be achieved by removing the cofferdam and, once the cofferdam is removed, removing the culvert plug to allow muted tidal water to re-enter the Pond area at a volume similar to pre-construction conditions. Prior to removal of the culvert plug, erosion control measures and seeding with native seed mix will be applied to all disturbed soil along the Estuarine Emergent Wetlands area. Temporary impacts to the Palustrine Emergent Wetlands will be achieved by restoring the bottom elevation to pre-project conditions, lightly discing the area to loosen compacted soils, and seeding areas with a native plant seed mix. A Mitigation Monitoring Plan will be prepared specific to the temporary impacted areas. This plan would include at a minimum a three-year monitoring period, recommended native seed mix, and performance standards to ensure all areas were restored back to pre-project conditions.

Implementation of MM BIO-4.1 would ensure that debris does not enter the wetland during dewatering activities. MM BIO-4.2 would ensure that wetlands are restored to preproject conditions under the guidance of a Mitigation Monitoring Plan.

As documented above, with the implementation of MM BIO-2.1 through MM BIO-2.3, MM BIO-4.1, and MM BIO-4.2, the Project's permanent and temporary impacts to wetlands would be reduced to less than significant. **(Less than Significant Impact with Mitigation Incorporated)**

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Wildlife Movement Corridors

The Project site provides for local wildlife movement but does not provide for regional wildlife movement as a result of surrounding development including commercial uses (Gateway Shopping Center), residential development west of the Pond, and roadway infrastructure (US 101 bordering the site to the east). For these reasons, the Project would not affect regional habitat connectivity.

Foraging Habitat for Waterbirds, Waterfowl, and Shorebirds

The Pond provides foraging for various species of waterbirds (e.g., herons and egrets), waterfowl (e.g., ducks and geese), shorebirds (sandpipers, avocets, and stilts, etc.), and other species such as gulls. During dewatering, a portion of the Pond would temporarily be unavailable as a foraging area for waterbirds, waterfowl, and shorebirds. This temporary impact to avian foraging area would continue as long as dewatering is necessary for construction of the Project. While a portion of the Pond would be unavailable as a foraging area, the remainder of the Pond would still support foraging for the various species of waterbirds.

Essential Fish Habitat

As stated above, EFH is not present in the Pond. Areas within nearby San Francisco Bay are designated as EFH for Pacific Groundfish, Pacific Salmon, and the Coastal Pelagic species. However, these fish species are not expected to occur in the project area in any significant numbers, if at all. There are also no small freshwater streams for fish to access because the detention Pond only receives urban runoff from piped storm drains under adjacent parking lots. Additionally, suitable rearing and feeding habitat in the brackish water of the detention Pond is unlikely as juvenile fishes would have to swim into the culvert to move upstream during high tides to access this small, ponded area where food resources are limited and there is little cover from avian predators. Accordingly, the Project would have limited effects on potential EFH due to the location of the proposed project near the upper end of tidal influence.

As documented above, the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. (Less than Significant Impact)

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The Marin Countywide Plan contains policies (Policy BIO 3.2) related to wetland protection. As described under checklist question c), the Project would mitigate impacts to wetlands at a 1:1 ratio through the establishment of wetlands on-site. The Marin Countywide Plan also contains policies regarding revegetation with native plant species and control of invasive species (Policy BIO-1.5 through 1.7). The Project has the potential to introduce and/or spread non-native, invasive plant species.

Impact BIO-5: Implementation of the project has the potential to introduce and/or spread non-native, invasive plant species.

Mitigation Measures:

- **MM BIO-5.1: Replanting with Native Species.** All areas that are temporarily affected during construction shall be revegetated with an assemblage of native grasses, shrub, and tree species to restore habitat values. Invasive, exotic plants would be controlled to the maximum extent practicable.
- MM BIO-5.2: Invasive Species Management. In the event that high-or medium-priority noxious weeds, as defined by the California IPC, are disturbed or removed during construction-related activities, the contractor shall contain the plant material associated with these noxious weeds and will dispose of it in a manner that will not promote the spread of the species. Areas subject to noxious weed removal or disturbance shall be replanted with fast growing native grasses or a native erosion control seed mixture. All earthmoving equipment, as well as seeding equipment to be used during project construction shall be thoroughly cleaned before arriving on the project site.

Implementation of MM BIO-5.1 would require that all temporarily disturbed areas are revegetated with native species. MM BIO-5.2 would require that any priority noxious weeds that are disturbed or removed during construction activities are contained in a manner that would prevent the spread of the species. In addition, all earth moving equipment would be cleaned prior to arrival at the site.

Implementation of the project would require the removal of six non-native acacia trees. These acacia trees are not native and would not be considered as protected or heritage trees that would require tree replacement as a form of mitigation. In addition, three nonnative acacia trees and one six-inch diameter native California buckeye tree would be removed to accommodate the establishment of wetlands within the on-site mitigation area. Impacted aquatic resources shall be offset to achieve a no-net-loss of wetlands through on-site establishment at a minimum of a 1:1 mitigation ratio (refer to MM BIO- 2.2). Consistent with MM BIO-5.1, all areas impacted during construction would be revegetated with native grasses, shrub, and tree species to restore habitat value.

As documented above, the Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (Less than Significant Impact with Mitigation Incorporated)

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

There is no adopted habitat conservation plan or a natural community conservation plan or other approved local, regional, or state habitat conservation plan applicable to the Project site. The proposed Project would, therefore, not be in conflict with the implementation of any such plans. Accordingly, the Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **(No Impact)**

5. Cultural Resources

Wa	ould the project:	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?			\boxtimes	
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		\boxtimes		
c)	Disturb any human remains, including those interred outside of formal cemeteries?		\boxtimes		

This section is based, in part, on a Cultural Resources Inventory prepared for the project by Far Western Anthropological Research Group, Inc. (Far Western). The report, dated January 2025, is on file with the County of Marin and is considered administratively confidential.

Environmental Setting

Regulatory Framework

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.²²

²² California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." Accessed May 14, 2024.

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as "the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource's eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the State CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains, the Most Likely Descendent. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

https://ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

Existing Conditions

Archaeological Resources

Native American Sensitivity

A record search was completed at the Northwest Information Center (NWIC) in July 2024 for the Project. The results of the record search identified one previously recorded multi-component archaeological site within the quarter-mile radius. No previously recorded archaeological resources have been documented within the Project area. A search of the Sacred Lands File by the NAHC in July 2024 did not identify any sacred sites within the Project area; however, the NAHC provided a list of Native American groups and individuals to contact who might have knowledge concerning cultural and tribal resources. See Section 18. Tribal Cultural Resources for details related to Native American outreach and consultation.

The Project site is situated within what was historically a tidal marsh at the edge of Richardson Bay, which was infilled for development in the early twentieth century. The exception to this was the northwestern edge of the Project area that extends onto what was a relatively steep bedrock hillside. Due to the fact that many precontact sites in the region are located near the historic-era margin of the San Francisco Bay estuary, the potential for both buried and/or submerged precontact archaeological sites to be present in the Project vicinity was assessed. The precontact sensitivity assessment indicates that the portions of the Project area that are within the historic-era extent of the San Francisco Bay estuary have a high to highest sensitivity for submerged precontact archaeological sites.

Historic-Era Sensitivity

The NWIC records search did not identify any previously documented historic-era archaeological sites or built environment resources in the Project area. Archival review conducted by Far Western indicates that the Project area was mostly an undeveloped bay marsh inlet until it was in-filled during World War II and routinely developed through the mid-twentieth century. Multiple extant structures are mapped within and adjacent to the Project site as early as 1897 and appear to have been demolished by the early 1960s around the time when the Marin City Pond was formally constructed. During the late nineteenth and early twentieth century, when municipal garbage collection was nonexistent or a burgeoning service, it was common for refuse to be disposed of in areas where creeks, marshlands, other hollow geological features were present, as within the Project area. As the Project area was originally an estuary and later filled in, there is potential for the area to have been used informally to dispose of materials by nearby residences and/or industry related services. As such, it is possible that historicera structural remains and associated refuse are located within proximity of these mapped early structures but, due to the extensive landscape modifications in the Project area from redevelopment and construction of the Pond and US 101, surface deposits may have been destroyed, removed or disturbed from their original context. Therefore, the Project area is not considered sensitive for historic-era archaeological resources.

Pedestrian Field Survey

On August 9, 2024, Far Western archaeologists conducted an intensive pedestrian survey of the Project area. Fieldwork was accomplished using a digital map showing the proposed Project plans, with a sub-meter global positional system (GPS) unit on hand to record any observed cultural resources. On August 11, 2024, Far Western recorded the Marin City Pond resource and conducted a supplemental site visit on December 17, 2024 with the Federated Indians of Graton Rancheria (Graton Rancheria). As a result of the archaeological pedestrian survey effort, no pre-contact archaeological deposits were identified. The historic-era Marin City Pond and its associated features were recorded on California Department of Parks and Recreation (DPR 523) site forms and a description and evaluation of the resource is presented below.

Historic Resources

Based on documents obtained from the District, Marin County Department of Public Works, and archival and map review, the location of the Marin City Pond was originally a native marshland cut-off from the bay in 1873 with the construction of the railroad and expansion of the road alignment. In the early twentieth century, regional development led to filling in the marshland. Excavation efforts for the current detention basin ensued in the latter part of the 1950s to accommodate the widening of US 101 and associated road improvements. The development of the Pond and drainage system we see today, which conveys surface and stormwater runoff via a culvert to Richardson Bay, was completed over subsequent years and is visible in its current configuration on aerials dated 1968.

CRHR Evaluation

Criterion 1

Water conveyance systems are crucial for the communities they serve, providing essential infrastructure for community development. The Marin City Pond is associated with the historic theme of water conveyance and community development, more specifically, with the growth and infrastructure of the unincorporated community of Marin City. However, research does not indicate a significant association with specific important events (e.g., first long-distance transmission of hydroelectric power, the 1936 Flood Control Act) or important patterns of events (e.g., development of irrigated farming). As a common utilitarian system, it is not a unique representation of that theme, nor does it contribute to our understanding of an important historical event or pattern of events under this theme. As such, the Pond is not eligible for listing on the CRHR under Criterion 1.

Criterion 2

Based on a records search of the property, no persons of known historical significance appear to have been associated with the Pond. Therefore, the Pond is not eligible for listing on the CRHR under Criterion 2.

Criterion 3

The Marin City Pond and associated features do not contain the characteristics representative of the work of a master, nor does it retain high artistic value, or exemplify technical innovation. While the water conveyance system is a fair representative type of a stormwater system in Marin County, it is not exceptional, and others likely provide better representation. Therefore, the Pond is not eligible for listing on the CRHR under Criterion 3.

Criterion 4

The Pond, as a water conveyance system, is a common property type that is unlikely to yield any important information in history that cannot be found elsewhere. The archival and documentary research conducted for this evaluation resulted in very little available information, which in part speaks to the common function of this resource and its municipal support as a water system. The background research of the Marin City Pond did not yield the necessary historical information to convey significance nor is there potential for any future investigation and findings to provide additional characteristics, attributes, or archaeological materials that would demonstrate eligibility. As such, the Pond is not eligible for listing in the CRHR under Criterion 4.

Integrity

The Pond retains a fair amount of integrity; however, the settlement and deterioration of pipes and other drainage facilities, including the tide gates, has significantly impeded the functionality of the interchange, connecting roads, and storm drainage system from operating as designed. As such, the Marin City Pond does not meet NRHP or CRHR criteria and is recommended not eligible for listing and thus is not considered a historic property or historical resource.

Impact Discussion

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

A resource is considered to be historically significant if it is listed on or is eligible for listing on the CRHR or NRHP. As discussed above, the Pond has been recommended not eligible for listing on the CRHR and therefore is not considered a historical resource under CEQA. Therefore, the proposed Project would not cause direct impacts to any historical resources under CEQA. (Less than Significant Impact)

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

As discussed above, the portions of the Project area that are within the historic-era extent of the San Francisco Bay estuary have a high to highest sensitivity for submerged precontact archaeological sites. However, Project activities would need to extend beneath both the artificial fill and underlying bay mud to potentially encounter a precontact archaeological site in this area. Given this sensitivity, a geoarchaeological assessment was conducted to determine if proposed ground disturbances will extend to

a layer where a submerged precontact site could potentially be located. The results of the assessment indicate that vertical extent of the Project (up to 18 feet deep) would not extend to depths great enough to encounter the lower contact of the bay mud. Therefore, the Project is estimated to have a low potential to encounter intact cultural deposits. However, there is still potential for cultural deposits to be present in a secondary (disturbed) context.

Impact CUL-1: Project ground-disturbing activities could result in a substantial adverse change in the significance of an archeological resource.

Mitigation Measures:

- **MM CUL-1.1:** Comprehensive Monitoring Plan. Prior to construction, a qualified archaeologist shall prepare a Cultural Resources Monitoring Plan and collaborate with a representative from the Federated Indians of Graton Rancheria (Graton Rancheria) to establish a detailed written document with maps indicating the areas subject to monitoring. This plan should outline how monitoring will be conducted, the specific roles and responsibilities of all parties involved, and the steps to be taken if precontact archaeological resources ("tribal cultural resources") and archaeological resources are discovered.
- **MM CUL-1.2:** <u>Archaeological and Tribal Monitoring.</u> A qualified archaeologist and a Graton Rancheria representative shall monitor grounddisturbing activity as defined in the Cultural Resource Monitoring Plan. The qualified archaeologist shall prepare a results report to document the findings after construction is completed.
- **MM CUL-1.3:** Inadvertent Discoveries. In the event of the discovery of archaeological resources whether on-site or in the public right-of-way, the applicant shall halt all construction activities, notify the Marin County Flood Control District, and retain a qualified archaeologist. The archaeologist shall evaluate the uniqueness of the find, contact Graton Rancheria if the find is a precontact archaeological resource for proposed recommendations for continuing construction, and submit a summary of findings to the District Project Manager detailing the nature of the find and appropriate actions/recommendations to provide protections for the resource. If precontact archaeological resources have been identified, the applicant shall incorporate the recommendations of Graton Rancheria when continuing construction.

With adherence to the above mitigation measures, the proposed Project would not cause direct impacts to any archaeological resources under CEQA. (Less than Significant with Mitigation Incorporated)

c) Disturb any human remains, including those interred outside of formal cemeteries?

Human remains are most often associated with prehistoric occupation sites. The potential exists for human remains, including Native American remains, to be unearthed during construction activities. If human remains are unearthed during project construction, damage to or destruction of culturally significant human remains would be a potentially significant impact.

Impact CUL-2: Project ground-disturbing activities could disturb human remains.

Mitigation Measures:

MM CUL-2.1: In the event of the discovery of human remains or associated funerary objects whether on-site in the public right-of-way, the Project contractor shall halt all activity within 50 feet of the discovery and notify the Marin County Flood Control District. The Project contractor shall also immediately notify the Marin County Coroner to have a determination made as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. Treatment of human remains and any associated or unassociated funerary objects discovered during any soil-disturbing activity within the project site shall comply with applicable State laws. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the Most Likely Descendant (MLD), the MLD will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the State CEQA Guidelines.

With adherence to the above mitigation measure, the proposed Project would not disturb any human remains, including those interred outside of dedicated cemeteries. **(Less than Significant Impact with Mitigation Incorporated)**

6. Energy

Would the project:		Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?				
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			\boxtimes	

Environmental Setting

Regulatory Framework

Federal and State

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar[™] program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Executive Order B-55-18 and Assembly Bill 1279

Executive Order B-55-18 was issued in September 2018. It ordered a new statewide goal of achieving carbon neutrality no later than 2045 and to maintain net negative emissions thereafter.

Assembly Bill 1279, also known as the California Climate Crisis Act, was approved on September 16, 2022, and codifies the statewide goal set by Executive Order B-55-18 of achieving net zero GHG emissions no later than the year 2045 and maintaining net

negative emissions thereafter. In addition, this bill has a statewide goal of reducing anthropogenic GHG emissions by 85 percent below the 1990 levels by the year 2045.

The bill requires the California Air Resources Board (CARB) to work with relevant state agencies to ensure that updates to the scoping plan, identify and recommend measures to achieve these policy goals, and implement strategies that enable CO₂ removal solutions and carbon capture, utilization, and storage technologies in California. The bill requires CARB to submit an annual report.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.²³ Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.²⁴

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce greenhouse gas (GHG) emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars II program in 2022 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2026 through 2035. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.²⁵

²³ California Building Standards Commission. "California Building Standards Code." Accessed May 14, 2024. <u>https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo</u>.

²⁴ California Energy Commission (CEC). "2022 Building Energy Efficiency Standards." Accessed May 14, 2024. <u>https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency</u>.

²⁵ California Air Resources Board. "Advanced Clean Cars II." Accessed May 14, 2024. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii

Local

Green Building Code

The County's Green building code requirements have been updated and in effect since January 1, 2023. The County's Green Building Code requirements provide options for achieving the Code's energy efficiency goals and advancing energy efficiency in the County.

Marin County Climate Action Plan 2030

In December 2020, Marin County adopted the Marin County Unincorporated Area Climate Action Plan 2030 (2030 CAP). The 2030 CAP established several GHG emissions reduction goals, including reducing emissions 40 percent below 1990 levels with mitigation alone, 60 percent below 2005 levels using a combination of mitigation and sequestration by 2030, and of achieving carbon neutrality by 2045. In order to achieve this goal, the 2030 CAP identified quantifiable GHG emission reduction measures under the following relevant categories:

- Low Carbon Transportation
- Renewable Energy and Electrification
- Energy Efficiency
- Waste Reduction
- Water Conservation

Existing Conditions

Total energy usage in California was approximately 6,882 trillion British thermal units (Btu) in the year 2022, the most recent year for which this data was available.²⁶ Out of the 50 states, California is ranked second in total energy consumption and 49th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,204 trillion Btu) for residential uses, 17 percent (1,193 trillion Btu) for commercial uses, 22 percent (1,539 trillion Btu) for industrial uses, and 43 percent (2,916 trillion Btu) for transportation.²⁷ This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Marin County in 2022 was consumed primarily by the residential sector (52 percent), followed by the non-residential sector consuming 48 percent. In 2022, a total of

²⁶ United States Energy Information Administration. "California State Energy Profile." Accessed August 23, 2024. <u>https://www.eia.gov/state/print.php?sid=CA</u>.

²⁷United States Energy Information Administration. "California State Energy Profile." Accessed August 23, 2024. <u>https://www.eia.gov/state/print.php?sid=CA</u>.

approximately 1,294 gigawatt hours (GWh) of electricity was consumed in Marin County.²⁸

Pacific Gas and Electric (PG&E) and Marin Clean Energy (MCE) are the electricity utility providers in Marin County, with MCE being the primary provider for customers in unincorporated Marin County.

Natural Gas

PG&E provides natural gas services within Marin County. In 2023, California's natural gas supply came from a combination of in-state production and imported supplies from other western states and Canada.²⁹ In 2022, Marin County used less than one percent of the state's total consumption of natural gas.³⁰

Fuel for Motor Vehicles

In 2023, California produced 118 thousand barrels of crude oil and in 2019, 15.4 billion gallons of gasoline were sold in California.^{31, 32} The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 26.0 mpg in 2022.³³ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was updated in April 2022 to require all cars and light-duty trucks achieve an overall industry average fuel economy of 49 mpg by model year 2026.^{34,35}

http://ecdms.energy.ca.gov/elecbycounty.aspx.

https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcrfpca1&f=a

https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.

²⁸ California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed August 23, 2024.

²⁹ California Gas and Electric Utilities. 2023 *California Gas Report*. Accessed August 23, 2024. <u>https://www.socalgas.com/sites/default/files/Joint_Biennial_California_Gas_Report_2023_Supplement.pdf</u>.

³⁰ California Energy Commission. "Natural Gas Consumption by County." Accessed August 23, 2024. <u>http://ecdms.energy.ca.gov/gasbycounty.aspx</u>.

³¹ U.S. Energy Information Administration. "Petroleum & Other Liquids, California Field Production of Crude Oil." February 28, 2023.

³² California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed August 23, 2024.

³³ United States Environmental Protection Agency. "The 2023 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." December 2023. https://www.epa.gov/system/files/documents/2023-12/420r23033.pdf.

³⁴ United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed August 23, 2024. <u>http://www.afdc.energy.gov/laws/eisa.</u>

³⁵ United States Department of Transportation. USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026." Accessed August 23, 2024. <u>https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026.</u>

Impact Discussion

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Energy is consumed during the construction and operational phases of the Project. The construction phase would require energy for the actual manufacture and transportation of materials, preparation of the site (e.g., demolition, soil off-haul, and grading), and the actual construction of the Project. Adherence to existing regulations and programs would reduce energy loss resulting from the disposal of construction and demolition materials through diversion and recycling.

Operation of the proposed Project would consume energy for multiple purposes including, but not limited to running the pumps, lighting, and electronics. The Project would require minimal maintenance visits and gasoline use would be negligible. Table 6-1 shows the estimated annual energy use of the proposed development by land use.

Land Use	Electricity Use (kWh/yr.)	Natural Gas Use (kBtu/yr.) ¹				
Project Total	51,467	0				
Existing Total	0	0				
Net Change in Energy Consumption	51,467	0				

 Table 6-1: Estimated Energy Use of Proposed Development

As shown in Table 6-1, operation of the Project would increase consumption over baseline conditions of electricity by approximately 51,467 kWh. Electricity consumed by the Project would be equivalent to less than 0.01 percent of the countywide electricity use. The Project would result in an insignificant increase in gasoline consumption in comparison with the 15.4 billion gallons of gasoline consumed per year in California. Therefore, Project-related energy consumption is less than significant in comparison with state and county consumption of electricity, natural gas, and gasoline, and the Project would not result in wasteful, inefficient, or unnecessary consumption or wasteful use of energy resources. **(Less than Significant Impact)**

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The Project would not conflict with nor obstruct a state or local plan adopted for the purposes of increasing renewable energy or energy efficiency. The County's Green Building Code expands upon the energy efficiency standards contained in the Title 24 Building Code for residential and non-residential buildings. The County Code requirements address electricity and natural gas efficiency in lighting, water, heating, and air conditioning, as well as the effects of the building envelope (e.g., windows, doors, walls and roofs, etc.) on energy consumption. The proposed Project would also comply with applicable state standards and would not impede any plan related to increasing renewable energy or energy efficiency. Therefore, the Project would not

conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

			Significant or Potentially Significant	Less Than Significant Impact with Mitigation	Less than	
a)	Dire Dire sub risk	<i>he project:</i> ectly or indirectly cause potential stantial adverse effects, including the of loss, injury, or death involving:	Impact	Incorporated	Significant	No Impact
	i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				
	ii)	Strong seismic ground shaking?			\boxtimes	
	iii)	Seismic-related ground failure, including liquefaction?			\boxtimes	
	iv)	Landslides?			\boxtimes	
b)	Res of to	ult in substantial soil erosion or the loss opsoil?			\boxtimes	
c)	Be l unsi a re in oi sub:	ocated on geologic unit or soil that is table, or that would become unstable as sult of the project, and potentially result n- or off-site landslide, lateral spreading, sidence, liquefaction, or collapse?				
d)	Be l Tab (199 indii	ocated on expansive soil, as defined in le 18-1-B of the Uniform Building Code 04), creating substantial direct or rect risks to life or property?			\boxtimes	
e)	Hav sup alte whe disp	e soils incapable of adequately porting the use of septic tanks or rnative wastewater disposal systems are sewers are not available for the posal of wastewater?				
f)	Dire pale geo	ectly or indirectly destroy a unique contological resource or site or unique logic feature?		\boxtimes		

7. Geology and Soils

The following discussion is based, in part, on a Design Level Geotechnical Investigation prepared by Haley & Aldrich, Inc. A copy of the report, dated March 2024, is attached to this Initial Study as Appendix B.

Environmental Setting

Regulatory Framework

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquakerelated hazards.

California Building Standards Code

The California Building Code (CBC) prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.
Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These materials are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the State CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

Marin Countywide Plan

The following policies in the County's Countywide Plan have been adopted for the purpose of reducing or avoiding impacts related to geology and soils and are applicable to the Project.

Policy/Program	Description
EH-2.3	Ensure Seismic Safety of New Structures. Design and construct all new
	buildings to be earthquake resistant. The minimum level of design
	necessary would be in accordance with seismic provisions and criteria
	contained in the most recent version of the State and County Codes.
	Construction would require effective oversight and enforcement to ensure
	adherence to the earthquake design criteria.

Existing Conditions

Geology and Soils

The near-surface soil at the Project site is predominantly mapped as artificial fill over estuarine mud (bay mud). Bay mud consists of Young Bay Mud and Old Bay Clay. The underlying bedrock is Franciscan Melange. Subsurface conditions along the project alignment consisted of varying thicknesses of fill materials underlain with young bay mud, old bay clay, and weathered Franciscan Complex. Fill consists of gravelly sand, poorly graded gravel, and clayey gravel. In a test trench, fragments of chert and sandstone varying from cobble to boulder size in clayey gravel with sand were encountered. The Young Bay Mud is saturated and soft.

Seismicity and Hazards

The Project site is located within the seismically active San Francisco Bay Area region. During a major earthquake, strong seismic shaking has the potential to occur at the Project site, as is typical throughout the Bay Area. Shaking during an earthquake can result in ground failure, such as that associated with fault surface rupture, soil liquefaction, lateral spreading, and cyclic densification. According to the CGS Earthquake Zones of Required Investigations Maps, the site is not located within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act.

Liquefaction and Lateral Spreading

Liquefaction is a temporary loss of shear strength as a result of increased pore pressure due to strong ground shaking or cyclic loading. Liquefaction is defined by saturation of soil and loss of cohesion. It is associated with loose, high-plasticity soils and near-surface groundwater levels. The Project site is not within a State-designated Liquefaction Hazard zone.³⁶

Lateral spreading typically occurs as a form of horizontal displacement of relatively flatlying soil toward an open or "free" face such as an open body of water, channel, or excavation. This movement is often associated with liquefaction and commonly occurs on gentle slopes in seismically active regions. Lateral spreading presents a significant hazard to the integrity of buildings and other structures. The Project site has the potential for lateral spreading.

Landslides

The Project site is not mapped within a designated Landslide Hazard Zone.³⁷ Groundwater

Groundwater elevations at the Project site range from two to three feet. Fluctuations in groundwater levels may occur due to seasonal changes, variation in rainfall, and underground drainage patterns.

Paleontological Resources

Marin County's surficial geologic units include alluvial and Bay mud deposits. Marin County's surficial geologic units include young alluvial fan deposits (less than 30,000 years old) and even younger areas of Holocene San Francisco Bay mud (less than 11,800 years ago), with the underlying Franciscan Complex that may potentially contain paleontological resources.³⁸

Impact Discussion

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the

 ³⁶ California Geological Survey. *California Earthquake Hazards Zone Application (EQ ZAPP)*.
 Accessed July 11, 2024. <u>https://maps.conservation.ca.gov/cgs/EQZApp/app/</u>
 ³⁷ Ibid.

³⁸ County of Marin. *Marin County Housing Element/Safety Element Update Draft EIR*. October 2022.

State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

According to the CGS Earthquake Zones of Required Investigations Maps, the site is not located within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act. Accordingly, the probability of fault rupture at the site is low. Therefore, the risk of a known earthquake fault rupture causing substantial adverse effects, including loss, injury, or death as a result of the Project would be less than significant. **(Less than Significant Impact)**

ii) Strong seismic ground shaking?

The Project site is located within the seismically active San Francisco Bay Area region. During a major earthquake, strong seismic shaking has the potential to occur at the Project site, as is typical throughout the Bay Area. The proposed pump station would be constructed in accordance with the CBC, as adopted by the County, and the recommendations of a design-level geotechnical investigation consistent with the Countywide Plan implementing Program EH-2.a to ensure all structures are designed to address seismic hazards. Therefore, the proposed Project would not expose people or structures to potential adverse effects from strong seismic ground shaking, and impacts would be less than significant. **(Less than Significant Impact)**

iii) Seismic-related ground failure, including liquefaction?

The Project site is not within a State-designated Liquefaction Hazard zone.³⁹ According to site specific geotechnical investigation, the potential for liquefaction on-site is low (refer to Appendix B). Adherence to the CBC and Countywide Plan implementing programs would ensure that the risk of liquefaction and associated lateral spreading causing substantial adverse effects, including loss, injury, or death as a result of the Project would be less than significant. **(Less than Significant Impact)**

iv) Landslides?

The Project site is not mapped within a designated Landslide Hazard Zone.⁴⁰ The Project would not change the topography of the site and surrounding area such that the likelihood of landslides occurring would increase. Accordingly, the risk of landslides causing substantial adverse effects, including loss, injury, or death as a result of the Project would be less than significant. **(Less than Significant Impact)**

 ³⁹ California Geological Survey. *California Earthquake Hazards Zone Application (EQ ZAPP)*.
 Accessed July 11, 2024. <u>https://maps.conservation.ca.gov/cgs/EQZApp/app/</u>
 ⁴⁰ Ibid.

b) Result in substantial soil erosion or the loss of topsoil?

Construction activities (e.g., grading and excavation) could temporarily increase sedimentation and erosion by exposing on-site soils to wind and runoff. The Project would be required to comply with County grading and erosion control requirements, including preparation of a design-level geotechnical investigation and an erosion and sedimentation control plan (ESCP), which must include all temporary and permanent devices necessary to avoid drainage and erosion related problems both during and after construction. In addition, the Project would be required to follow the most recent version of the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) Construction Erosion and Sediment Control Plan Applicant Package when preparing the ESCP. Compliance with County grading and erosion control requirements would ensure that impacts related to soil erosion and loss of topsoil would be less than significant. **(Less than Significant Impact)**

c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

The Project site is not within a State-designated Landslide or Liquefaction Hazard zone.⁴¹ According to site- specific geotechnical investigation, the potential for liquefaction on-site is low. By conforming with applicable regulations and the recommendations of a design-level geotechnical report, the Project would not result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse and would have a less than significant impact. **(Less than Significant Impact)**

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Pursuant to the CBC, soils with a plasticity index (PI) of 15 or less are not considered expansive. Soils on-site have a PI below 15 and are not expansive. As discussed above, the Project would be constructed in conformance with the CBC and the recommendations of a design-level geotechnical report, which would further reduce impacts related to expansive soils to less than significant. (Less than Significant Impact)

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The Project site is located within an urbanized area of Marin County where sewers are available to dispose wastewater. The proposed pump station would not require the use of septic tanks or alternative wastewater disposal systems. **(No Impact)**

⁴¹ Ibid.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The Project site is underlain by younger Holocene-era alluvial fan deposits where the potential to discover vertebrate fossils exists. Therefore, construction-related ground disturbing activities could significantly impact unknown subsurface paleontological resources, if encountered.

Impact GEO-1: Project ground-disturbing activities could result in a substantial adverse change in the significance of paleontological resources.

Mitigation Measure:

MM GEO-1.1: In the event that paleontological resources are discovered during construction, construction activities shall cease and the Flood Control District shall be notified so that a qualified professional could record the extent and location of discovered materials and coordinate the disposition of artifacts in compliance with State and federal law.

With the implementation of MM GEO-1.1, discovered paleontological resources would be disposed in compliance with State and federal law. For these reasons, the Project would identify and preserve any previously undiscovered paleontological resources encountered during construction and ensure that impacts would be less than significant. (Less than Significant Impact with Mitigation Incorporated)

Wa	ould the project:	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			\square	
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				

8. Greenhouse Gas Emissions

Environmental Setting

Regulatory Framework

Background Information

Greenhouse gases (GHG) are gases that trap heat in the atmosphere and regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO_2 equivalents (CO_2e). The most common GHGs are carbon dioxide (CO_2) and water vapor but there are also several others, most importantly methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). These are released into the earth's atmosphere through a variety of natural processes and human activities (anthropogenic). Natural and anthropogenic sources of GHGs are generally as follows:

- CO₂ exchange between the atmosphere, ocean, and land surface
- CO₂, CH₄, and N₂O are emitted from wildfires and volcanic eruptions
- CO₂ and N₂O are byproducts of fossil fuel combustion
- N₂O is associated with agricultural operations such as fertilization of crops
- CH₄ is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty
- HFCs are now used as a substitute for CFCs in refrigeration and cooling
- PFCs and SF₆ emissions are commonly created by industries such as aluminum production and semiconductor manufacturing

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. Per the 2022 Scoping Plan from the CARB, atmospheric concentrations of CO₂ have increased by 50 percent since the Industrial Revolution and continue to increase at a rate of two parts per million each year, which will result in increased global temperatures.⁴² The climate within California is adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

Federal and State

Assembly Bill 32 and State Bill 32

Under the California Global Warming Solutions Act, known as Assembly Bill (AB) 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources. The first Scoping Plan was approved by CARB in 2008 and must be updated at least every five years. Since 2008, there have been two updates to the Scoping Plan.

In 2016, Senate Bill (SB) 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to accelerate 2030 statewide target in terms of million metric tons of CO₂e (MMTCO₂e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO₂e.

2022 Scoping Plan

On December 15, 2022, CARB approved the 2022 Scoping Plan. The 2022 Scoping Plan provides a sector-by-sector guide on how to reduce man-made (i.e., anthropogenic) GHG emissions by 85 percent below 1990 levels and achieve carbon neutrality by 2045 over a 25-year horizon.⁴³ The primary focus of the 2022 Scoping Plan is to reduce the usage of fossil fuels by electricizing the transportation sector, procuring electricity from renewable resources, phasing out natural gas in land use developments, and building transit-oriented communities that encourage multi-modal transportation. If implemented successfully, the 2022 Scoping Plan would not only reduce GHG emissions but also reduce smog-forming air pollution (NO_x) by 71 percent and reduce fossil fuel demand by 94 percent. The 2022 Scoping Plan also details natural carbon capture and storage process along with mechanical carbon capture programs to address the remaining 15 of anthropogenic GHG emissions that

 ⁴² CARB. 2022 Scoping Plan for Achieving Carbon Neutrality. December 2022. Page 3.
 ⁴³ Ibid.

will remain post-2045. To meet these goals, CARB also includes a revised goal of reducing state GHG emissions 48 percent below 1990 levels by 2030.

Senate Bill 375 and Plan Bay Area 2050

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per capita GHG emissions reduction targets for passenger vehicles in the Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2050.

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified priority development areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.⁴⁴

Play Bay Area 2050 includes a goal to increase the number of households that live within 0.5 mile of frequent transit by 2050. Plan Bay Area 2050 promotes strategies that support active and shared modes, combined with a transit-supportive land use patterns, which together are forecasted to lower the share of Bay Area residents that drive to work alone from 50 percent in 2015 to 33 percent in 2050, resulting in a decrease in GHG emissions. Plan Bay Area 2050 also provides a path to emissions reductions via goals to expand transportation demand management (TDM) initiatives that support and augment employers' commute programs.

SB 100

SB 100, known as the 100 Percent Clean Energy Act of 2018, was adopted on September 10, 2018. The overall goal is to have all retail electricity sold in California be procured from 100 percent renewable and zero-carbon resources by the year 2045. SB 100 also modified the renewables portfolio standard to 50 percent by 2025 and 60 percent by 2030.

⁴⁴ Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area* 2050. October 21, 2021. Page 20.

Executive Order B-55-18 and Assembly Bill 1279

Executive Order B-55-18 was issued in September 2018. It ordered a new statewide goal of achieving carbon neutrality no later than 2045 and to maintain net negative emissions thereafter.

AB 1279, also known as the California Climate Crisis Act, was approved on September 16, 2022 and codifies the statewide goal set by Executive Order B-55-18 of achieving net zero GHG emissions no later than the year 2045 and maintaining net negative emissions thereafter. In addition, this bill has a statewide goal of reducing anthropogenic GHG emissions by 85 percent below the 1990 levels by the year 2045. The bill requires CARB to work with relevant state agencies to ensure that updates to the scoping plan identify and recommend measures to achieve these policy goals and implement strategies that enable CO_2 removal solutions and carbon capture, utilization, and storage technologies in California. The bill requires CARB to submit an annual report.

Advanced Clean Cars II Regulation

To continue reducing air pollutants and GHG emissions in the transportation sector, CARB adopted the Advanced Clean Cars II Regulations (Resolution 22-12) on August 25, 2022. The new regulation requires that by 2035 all new passenger cars, trucks, and SUVs sold in California will be zero-emission vehicles. This regulation bans the sale of new gasoline or diesel passenger cars, trucks, and sports utility vehicles (SUVs) in California from automakers. Beginning in 2026, 35 percent of new vehicle sales must be zero-emission vehicles and plug-in hybrid electric vehicles (EV) and that percentage will increase per year. By 2030, 70 percent of new vehicle sales will be zeroemissions. CARB will limit the use of plug-in hybrid EVs in the percentage requirements to keep the manufacturing of zero-emissions as the primary goal. Existing gasoline cars can continue to be driven and sold as used cars beyond 2035. CARB is required to track and report on the zero-emissions vehicle market development annually.

2017 Clean Air Plan

To protect the climate, the 2017 Clean Air Plan prepared by BAAD includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

BAAD CEQA Thresholds for Evaluating Climate Impacts from Land Use Projects and Plans

In April 2022, the BAAD Board of Directors adopted the Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans. The report includes BAAD's thresholds of significance for use in determining whether a proposed project or plan will have a significant impact on climate change and provides substantial evidence to support these thresholds. The April 2022 GHG thresholds replace the GHG thresholds set forth in the May 2017 BAAD CEQA Air Quality Guidelines and represent what is required of new land use development projects and plans to achieve California's long-term climate goal of carbon neutrality by 2045.

Local

Marin County Climate Action Plan 2030

In December 2020, Marin County adopted the Marin County Unincorporated Area Climate Action Plan 2030 (2030 CAP). The 2030 CAP established several GHG emissions reduction goals, including reducing emissions 40 percent below 1990 levels with mitigation alone, 60 percent blow 2005 levels using a combination of mitigation and sequestration by 2030, and of achieving carbon neutrality by 2045. In order to achieve this goal, the 2030 CAP identified quantifiable GHG emission reduction measures under the following relevant categories:

- Low Carbon Transportation
- Renewable Energy and Electrification
- Energy Efficiency
- Waste Reduction
- Water Conservation

Thresholds of Significance

Pursuant with BAAD, for land use projects to result in a less than significant GHG emissions impact, the land use project would need to comply with threshold A or B below.

- A. Projects must include, at a minimum, the following project design elements:
 - 1. Buildings
 - a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
 - b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
 - 2. Transportation
 - a. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:
 - Residential projects: 15 percent below the existing VMT per capita
 - Office projects: 15 percent below the existing VMT per employee
 - Retail projects: no net increase in existing VMT

- b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
- B. Be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b)

Impact Discussion

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The proposed Project would generate GHG emissions primarily from construction activities and electricity to operate the pump station. Neither the County nor BAAD has an adopted threshold of significance for construction-related GHG emissions, due to their temporary nature and relatively small magnitude in relation to Project operational emissions which are larger on an annual basis and generated over the Project lifespan. Because construction would be temporary and would not result in a permanent increase in emissions, the Project would not result in a significant GHG impact from construction emissions.

BAAD adopted GHG thresholds of significance to assist in the review of projects under CEQA (refer to discussion above). These thresholds were designed to establish the level at which BAAD has determined that GHG emissions would cause significant environmental impacts and achieve the state's emission reduction target. The GHG emission thresholds identified by BAAD are qualitative thresholds with the Project either incorporating specific project design features or demonstrating compliance with a qualified GHG reduction strategy. The County's Climate Action Plan 2030 is designed to meet statewide GHG reduction targets for 2030 set by SB 32. Therefore, the latter BAAD threshold is used. Projects that comply with the policies and strategies outlined in the Climate Action Plan 2030 would have less than significant GHG impacts under CEQA. The Project involves the construction of a new pump station and would not include natural gas appliances or natural gas plumbing. As discussed in Section 6. Energy, the Project would not result in wasteful, inefficient, or unnecessary energy use. As discussed in Section 17. Transportation, the Project would not have any regular occupants or visitors and would not generate vehicle trips besides the infrequent trips for maintenance and, therefore, would result in a less than significant VMT impact. For these reasons, the Project would be consistent with the County's Climate Action Plan and would result in less than significant GHG impacts. (Less than Significant Impact)

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

As discussed under checklist question a) above, the Project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. Accordingly, the Project would not conflict with AB 32, SB 32, the BAAD CEQA Air Quality Guidelines, or the County's Climate Action Plan 2030. (Less than Significant Impact)

Wo	ould the project:	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			\square	
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?		\boxtimes		
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				
f)	Impair implementation of or physically interfere with an adopted emergency			\boxtimes	

9. Hazards and Hazardous Materials

Environmental Setting

Regulatory Framework

Federal and State

plan?

Federal Aviation Regulations Part 77

response plan or emergency evacuation

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects

located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above the ground.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, \$1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- Provided for liability of persons responsible for releases of hazardous waste at these sites; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and
- Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. These actions can be completed only at sites listed on the EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.⁴⁵

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives the EPA the authority to control hazardous waste from the "cradle to the grave." This includes the generation, transportation, treatment, storage, and disposal

⁴⁵ United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed May 14, 2024. <u>https://www.epa.gov/superfund/superfund-cercla-overview</u>.

of hazardous waste. RCRA also sets forth a framework for the management of nonhazardous solid wastes.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.⁴⁶

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).⁴⁷

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of a property. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The Marin County Certified Unified Programs Agency reviews CalARP risk management plans as the CUPA.

Asbestos-Containing Materials

Friable asbestos is any asbestos-containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to

⁴⁶ United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed May 14, 2024. <u>https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act</u>.

⁴⁷ California Environmental Protection Agency. "Cortese List Data Resources." Accessed May 14, 2024. <u>https://calepa.ca.gov/sitecleanup/corteselist/</u>.

become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA began phasing out use of friable asbestos products in 1973 and issued a ban in 1978 on manufacture, import, processing, and distribution of some asbestos-containing products and new uses of asbestos products.⁴⁸ The EPA is currently considering a proposed ban on on-going use of asbestos.⁴⁹ National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

CCR Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by the Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

Existing Conditions

The Project site consists of an approximately 3-acre privately owned stormwater detention pond. The Pond was constructed in the late 1950s to provide stormwater storage.

Potential On-Site Sources of Contamination

The Project site is not listed on the Cortese List or other regulatory databases as a known source or suspected source of contamination or as a site that contains hazardous materials or hazardous waste.⁵⁰

A soil and sediment investigation was conducted in 2021 to characterize soil and sediment for the Pond and upland areas.⁵¹ The only compounds to exceed residential and/or commercial/industrial environmental screening levels (ESLs) were arsenic and lead. The concentrations of arsenic (7.83 to 10.6 milligram-per-kilogram [mg/kg]) exceeded both the residential (0.067 mg/kg) and commercial/industrial (0.31 mg/kg) ESLs for human health direct exposure. However, the RWQCB acknowledges that

⁴⁸ United States Environmental Protection Agency. "EPA Actions to Protect the Public from Exposure to Asbestos." Accessed May 14, 2024. <u>https://www.epa.gov/asbestos/epa-actions-protect-public-exposure-asbestos</u>

⁴⁹United States Environmental Protection Agency. "EPA Actions to Protect the Public from Exposure to Asbestos." Accessed May 14, 2024. <u>https://www.epa.gov/asbestos/epa-actions-protect-public-exposure-asbestos</u>

⁵⁰ CalEPA. "Cortese List Data Resources" Accessed August 22, 2024. https://calepa.ca.gov/sitecleanup/corteselist/

⁵¹ Northgate Environmental Management, Inc. *Soil and Sediment Characterization Report Marin City Retention Pond, Marin City, California.* July 12, 2021.

concentrations of naturally-occurring arsenic in soils of the San Francisco Bay Area typically exceed the ESLs, and provides for the use of background levels to screen for arsenic. Lead concentrations were detected as high as 620 mg/kg and likely reflects aerially deposited lead from the freeway that has been washed into the pond through drainage from the roadway and adjacent soil. Asbestos was not detected in any of the samples.

Potential Off-Site Sources of Contamination

The Marin Gateway Shopping Center site was marshland until approximately 1942 when it was filled. Once filled, the property was occupied by two gasoline stations, a church, two sewage pump plants, and miscellaneous buildings associated with a weekend flea market that operated from the late 1960s until 1995. One of the gasoline stations reportedly operated in the 1950s, and the other station (a Chevron station) operated from the late 1960s until 1979. The Marin Gateway Shopping Center site was cleared in 1995 and construction of the existing shopping center was initiated in 1996. The former Chevron station had documented releases of total petroleum hydrocarbons (TPH) to soil and groundwater. The Water Board granted closure for the Chevron station site in June 1997 after approximately 3,200 cubic yards of soil were removed.⁵²

A dry cleaner facility (Apollo Cleaners) also operated at the site and changed ownership in 2006 to Gateway Cleaners. In 2005, a Phase II Environmental Site Assessment (ESA) was completed and consisted of six soil borings in the vicinity of the cleaners.⁵³ Concentrations of tetrachloroethylene (PCE) were detected in groundwater in three of the borings. The Water Board granted closure for the site because the residual concentrations in the soil and groundwater do not represent a current or future public health threat.

Impact Discussion

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Construction

Construction of the Project would involve the use of potentially hazardous materials, including vehicle fuels, oils, and fluids. All hazardous materials would be transported, contained, stored, used, and disposed of in accordance with manufacturers' instructions and would be handled in compliance with all applicable standards and regulations. Construction-related hazardous materials use would be temporary, and does not constitute routine transport, use, or disposal.

⁵² CalEPA. *Transmittal of Case Closure Letter and Site Summary for Former Chevron Station No. 9-5102, Drake and Donahue Avenue, Marin City, Marin County, UST Case No. 21-0052.* June 12, 1997.

⁵³ California Regional Water Quality Control Board. *Case Closure for Apollo Cleaners, Gateway Center, 160 Donahue Street, Marin City, Marin County.* July 16, 2007.

Operation

Once operational, the Project would routinely store and use small quantities of cleaning supplies, maintenance chemicals, herbicides and pesticides. Operation of the Project would also require the storage of diesel fuel associated with occasional testing and use of an emergency generator during power failures. Under Health and Safety Code 25507(a)(1)(A), the Project would be required to establish and implement a Hazardous Materials Business Plan if the amount of diesel fuel stored on-site exceeds 55 gallons. No other hazardous materials would be used or stored on the site. These materials would be managed in accordance with existing laws and regulations that ensure that the routine transport, storage, use, and disposal of these materials would not result in a significant hazard to the public or environment. **(Less than Significant Impact)**

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

As discussed above, concentrations of arsenic exceeded both the residential and commercial/ industrial ESLs for human health direct exposure. Lead concentrations were detected as high as 620 mg/kg and likely reflects aerially deposited lead from the freeway that has been washed into the pond through drainage from the roadway and adjacent soil. Off-site sources of contamination include TPH and PCE from a former gas station and dry cleaner facility. Both cases were closed by the relevant oversight agency; however, the potential for residual contamination remains.

Contaminated soil and groundwater disturbed during construction-related grounddisturbing activities (i.e., excavation, grading) of the Project site could become airborne and adversely affect construction workers and nearby sensitive receptors, if appropriate control measures are not implemented.

Impact HAZ-1: Construction of the Project could result in exposure of construction workers, adjacent uses, and the environment to groundwater and soil contamination from arsenic, lead, total petroleum hydrocarbons (TPH) and tetrachloroethylene (PCE).

Mitigation Measures:

MM HAZ-1.1: Based on the history of the Project site, areas of impacted soil and/or groundwater may be encountered during construction activities. To establish appropriate management practices for handling and management of impacted soil and groundwater that may be encountered during construction activities, the District shall submit a Site Management Plan (SMP) and Health and Safety Plan (HSP) to the Marin County Department of Public Works for review and approval. The SMP and HSP shall be designed and implemented to protect human health of construction workers, the public and the environment during site

preparation, grading, and excavation activities by including protocols, measures, and techniques for the proper handling, management, re-use and/or disposition of affected soil and groundwater found on the site during such activities. The SMP and HSP shall be prepared by a qualified environmental engineering firm with demonstrated expertise and experience in the preparation of SMPs and HSPs and shall be stamped by an appropriately licensed professional. The SMP and HSP shall be implemented by the applicant throughout all ground-disturbing work.

With implementation of MM HAZ-1.1 above, contaminated soils and/or groundwater onsite would be identified, characterized, removed and disposed of properly prior to ground-disturbing activities, thus preventing exposure of construction workers, nearby sensitive receptors, and the environment to soil contaminants from construction of the Project. (Less than Significant Impact with Mitigation Incorporated)

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

There is one existing school, Dr. Martin Luther King Jr. Academy, within 0.25 mile of the Project site. Hazardous materials used in construction and operation of the proposed Project would be managed in accordance with existing laws and regulations that ensure these materials do not pose a significant hazard to the public or environment. As discussed above, the Project with the implementation of MM HAZ-1.1 identified under checklist question a) would not emit significant hazards or hazardous materials impacts from construction or operation. For these reasons, the Project would not emit hazardous emissions or handle hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. (Less than Significant Impact with Mitigation Incorporated)

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The Project site is not listed on the Cortese List or other regulatory databases as a known source or suspected source of contamination or as a site that contains hazardous materials or hazardous waste. **(No Impact)**

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

The Project site is not located within two miles of an airport land use plan or public airport. The Project site is located approximately 0.2 miles southeast of the Commodore

Center Heliport, a private heliport that operates two private helipads. The project involves the construction of a new pump station and would not introduce new residents or workers to the project area. Therefore, future development of the site would not result in a safety hazard for people related to airport activities. **(Less than Significant Impact)**

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The Project involves the construction of a new pump station in an area where development has already occurred and roadway infrastructure currently exists. The proposed Project would not result in changes to surrounding circulation systems or established evacuation routes. Therefore, the proposed Project would have a less than significant impact on emergency access. **(Less than Significant Impact)**

		Significant or Potentially Significant	Less Than Significant Impact with Mitigation	Less than	
Wa	uld the project:	Impact	Incorporated	Significant	No Impact
a)	Violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality?		\boxtimes		
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:				
	 result in substantial erosion or siltation on- or off-site; 			\boxtimes	
	substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			\boxtimes	
	 Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or 				
	iv) impede or redirect flood flows?			\boxtimes	
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			\boxtimes	

10. Hydrology and Water Quality

This section is based, in part, on a Stormwater Modeling Analysis prepared for the project by BKF Engineers. The report, dated March 2024, is attached to this Initial Study as Appendix C.

Environmental Setting

Regulatory Framework

Federal and State

Clean Water Act

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the Regional Water Quality Control Boards (RWQCBs). The Project site is within the jurisdiction of the San Francisco Bay RWQCB.

Under Section 303(d) of the federal Clean Water Act, the SWRCB and RWQCBs are required to identify impaired surface water bodies that do not meet water quality standards and develop total maximum daily loads (TMDLs) for contaminants of concern. The list of the state's identified impaired surface water bodies, known as the "303(d) list" can be found on the on the SWRCB's website.⁵⁴

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Statewide Construction General Permit

The SWRCB has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) must be filed with the RWQCB by the project sponsor, and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction and filed with the RWQCB by the project sponsor. The Construction General Permit includes requirements for training, inspections, record keeping and, for projects of certain risk levels, monitoring. The

⁵⁴ California State Water Resources Control Board. "2020-2022 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)." May 11, 2022. Accessed May 14, 2024.

https://www.waterboards.ca.gov/water issues/programs/water quality assessment/2020 2022 i ntegrated_report.html.

general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of constructionrelated storm water discharges.

Regional and Local

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Phase II Small MS4 General Permit

The San Francisco Bay RWQCB regulates stormwater quality under authority of both the Federal Clean Water Act and the Porter-Cologne Act. The San Francisco Bay RWQCB issues NPDES permits to dischargers of municipal and industrial stormwater runoff and operators of large construction sites.

On February 5, 2013, the SWRCB adopted a General Permit for Discharge of Stormwater from Small MS4s (Phase II) (Order No. 2013-0001-DWQ) that became effective on July 1, 2013. The following municipalities within Region 2 are covered under this General Permit: Marin County and its Cities; Napa County and its Cities; City and County of San Francisco; Solano County and the City of Benicia; Sonoma County and the Cities of Petaluma and Sonoma; and certain non-traditional facilities, including universities, prisons, hospitals, military bases, parks and office building complexes. Provision E.12 of the MS4 Permit, the "Post-Construction Stormwater Management Program," is administered locally under the Marin County Stormwater Pollution Prevention Program (MCSTOPPP).

Construction Dewatering Waste Discharge Requirements

Each of the RWQCBs regulate construction dewatering discharges to storm drains or surface waters within its Region under the NPDES program and Waste Discharge Requirements.

Existing Conditions

Hydrology and Drainage

The Project site is located within the Marin City Watershed, which ultimately drains to the Richardson Bay which is connected to San Francisco Bay.⁵⁵

Flooding

The majority of the Project site is located in Flood Zone X (shaded), which is an area where the annual flood risk is between one and two percent.⁵⁶ This is considered a moderate risk for flooding.

Seiches, Tsunamis, and Mudflows

In Marin County, the largest waterbodies likely to be susceptible to a seiche are the lakes and reservoirs associated with Alpine Dam, Bon Tempe Dam, Lagunitas Dam, Phoenix Dam, Peters Dam (Kent Lake), Nicasio Dam, and Soulajule Dam, which are managed by the Marin Municipal Water District; the dam at Stafford Lake on Novato Creek, which is managed by the North Marin Municipal Water District; and the private dam at Big Rock Ranch.⁵⁷ None of these lakes or reservoirs are located near the Project site.

A tsunami is a sea wave generated by an earthquake, landslide, or other large displacement of water in the ocean. According to maps prepared by the California Department of Conservation, the Project site is located in a Tsunami Hazard Area.⁵⁸ A mudflow is the rapid movement of a large mass of mud formed from loose soil and water. The Project site and surrounding area are relatively flat. The Project site is not mapped within a designated Landslide Hazard Zone and, therefore, would not be susceptible to mudflows.⁵⁹

Groundwater

None of the groundwater basins in Marin County have been designated a medium- or high-priority basin by the California Department of Water Resources. The Sustainable Groundwater Management Act (SGMA) requires medium- and high-priority basins to

⁵⁵ County of Marin. *Marin County Housing Element/Safety Element Update Draft EIR*. October 2022. Figure 12-1.

⁵⁶ FEMA. *Flood Insurance Rate Map Marin County, California. Map No. 06041C0507E*. March 16, 2016.

⁵⁷ County of Marin. *Marin County Housing Element/Safety Element Update Draft EIR*. October 2022.

⁵⁸ California Department of Conservation. *Marin County Tsunami Hazard Areas*. Accessed August 22, 2024. <u>https://www.conservation.ca.gov/cgs/tsunami/maps/marin</u>

⁵⁹ California Geological Survey. *California Earthquake Hazards Zone Application (EQ ZAPP).* Accessed July 11, 2024. <u>https://maps.conservation.ca.gov/cgs/EQZApp/app/</u>

develop groundwater sustainability agencies, develop groundwater sustainability plans and manage groundwater for long-term sustainability.

Groundwater elevations at the Project site range from 2 to 3 feet below ground surface (bgs). Fluctuations in groundwater levels may occur due to seasonal changes, variation in rainfall, and underground drainage patterns.

Impact Discussion

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as non-point source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Urban stormwater runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, animal feces, etc.), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

Construction Impacts

Construction activities, such as grading and excavation, have the potential to result in temporary impacts to surface water quality in adjacent waterways and groundwater. When disturbance to the soil occurs, sediments may be dislodged and discharged into the storm drainage system after surface runoff flows across the site.

The Project will disturb more than one acre and would be required to comply with the State of California Construction General Permit. As such, an NOI must be submitted to the RWQCB and a SWPPP must be developed to establish methods for controlling discharge associated with construction activities. Compliance with the requirements of the Construction General Permit and standard grading and best management practices would ensure that soil and construction byproducts do not substantially degrade surface or ground water quality. Therefore, construction of the Project would have a less-than-significant impact on water quality.

As previously stated, groundwater elevations at the Project range from 2 to 3 feet bgs. Excavation required to construct the pump station would extend to a depth of 18 feet bgs where it may encounter the water table. In order to facilitate construction, a temporary cofferdam would be installed, and the Pond would be dewatered. Any dewatering required for excavation and construction activities would be required to comply with the NPDES Construction General Permit. Additionally, due to the potential for contaminated groundwater (refer to Section 9. Hazards and Hazardous Materials), the Project would be required to comply with RWQCB procedures for disposal and transport of contaminated groundwater, in addition to site monitoring requirements. Construction of the proposed Project, with implementation of MM HAZ-1.1 and adherence to existing regulations and programs, would not result in significant construction-related water quality impacts.

Post-Construction Impacts

The Project would be subject to compliance with the Phase II Small MS4 General Permit. The Project qualifies as a Linear Underground/Overhead Project (LUP).⁶⁰ Since the Project would not create 5,000 square feet or more of contiguous impervious surface, it would not be subject to Low Impact Development (LID) Best Management Practices (BMPs).

With implementation of mitigation measure MM HAZ-1.1 above, the proposed project would result in a less than significant impact on water quality during project construction and operation. (Less than Significant Impact with Mitigation Incorporated)

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

As previously discussed under checklist question a), existing groundwater levels range between 2 to 3 feet bgs and temporary construction dewatering may be required. Any dewatering required for excavation and construction activities would be required to comply with the Construction General Permit and the NPDES. Discharge to the storm drain system requires approval from the San Francisco Bay RWQCB. Compliance with local and regional policies and regulations would avoid any water quality impacts to groundwater during construction.

The proposed Project would not establish new groundwater uses or result in a substantial depletion of aquifers relied upon for local water supplies (Refer to Section 19. Utilities and Service Systems). The Project site is not located within a designated groundwater recharge zone. For these reasons, the Project would not establish groundwater wells to supply the site, deplete groundwater supply, or interfere with groundwater recharge. **(Less than Significant Impact)**

⁶⁰ Defined as including any conveyance, pipe, or pipeline project and associated ancillary facilities.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:
 - i) result in substantial erosion or siltation on- or off-site;
 - ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
 - iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
 - iv) Impede or redirect flood flows?

The Project involves the construction of a new pump station at a privately owned stormwater detention pond. The purpose of the proposed pump station is to reduce flooding in the lowland areas in Marin City and parts of US 101.

Under existing conditions, the existing undersized storm drain limits capacity and creates a bottleneck for stormwater flowing to the Pond from Main Street and Drake Avenue, south of Donahue Street. Additionally, the bottleneck contributes to additional flooding near Drake Avenue and Donahue Street. During storm events, the existing pipeline under Phillips Drive tends to surcharge and manhole lids may blow off due to pressure in the storm drain. Stormwater release through the manhole lids contributes to localized flooding.

A stormwater modeling analysis was completed for the Project (refer to Appendix C) to assess the proposed improvements to the Pond during the 2-year, 10-year, and 100-year storm event. Based on the modeling, the Project would alleviate flooding at the intersection of Donahue Street and Drake Street. During the 2-year event, no flooding would be anticipated at the intersection of Donahue Street and Drake Street and Drake Street. During the 10-year and 100-year event, the depth and extent of flooding would be reduced.

During a storm event, the Project would lower the pond level and create a lower tailwater condition for the upstream storm drain. As a result, the Project would decrease flooding from manholes and catch basins thereby reducing excessive ponding in low-lying areas of Marin City.

Under existing and proposed conditions, flows from the Pond are discharged into Richardson Bay. As described in Section III. Project Description, there are floating homes located in Richardson Bay near the outfall. Discharges from the outfall were modeled under existing and proposed conditions to analyze the potential for increased flows and scour at the outfall as a result of the project. The modeled flow rates at the outfall under peak and average conditions are shown in Table 101 below.

Storm Event	Existing (cfs)	Proposed (cfs)
2-Year Storm Event Peak	160	65
2-Year Storm Event Average	30	21
10-Year Storm Event Peak	192	103
10-Year Storm Event Average	42	32
100-Year Storm Event Peak	213	180
100-Year Storm Event Average	60	56
Notes: cfs = cubic feet per second		
Source: BKF Engineers. Marin City Pond Pump St	tation Flood Reduction Project	
InfoWorks ICM Modeling Analysis of Proposed In	mprovements. March 1, 2024.	

Table 10-1: Outfall Discharge Rates During Storm Events

At the peak of large storms, the potential for increased discharges and scour at the outfall would be the greatest. As shown in Table 10-1, both the peak and average flows from the outfall would be reduced with the Project compared to existing conditions. The pump station is anticipated to operate for a brief period of time prior to storm events to draw down the pond. Flow out of the outfall may be higher than existing conditions during these brief periods of time. However, based on the stormwater modeling analysis completed for the Project (refer to Appendix C), the Project would result in an overall reduction of the peak discharge and the average discharge from the outfall during the 2-year, 10-year, and 100-year storm event and, therefore, would not result in scour impacts or increased flooding from discharges at the existing outfall.

Consistent with County requirements, the Project would prepare an Erosion and Sediment Control Plan to reduce on-site erosion and off-site siltation. As described under checklist question a), the Project qualifies as a linear underground/overhead project (LUP) and would not create 5,000 square feet or more of contiguous impervious surface and would not be subject to LID BMPs. Therefore, the Project would be required to incorporate site design, source control, and runoff treatment controls to reduce the rates, volumes, and pollutant loads of runoff from the Project. Compliance with County stormwater management measures would ensure that impacts on drainage and related effects on erosion or siltation, on- or off-site flooding, redirecting of flood flows, creating substantial additional sources of polluted runoff, or exceeding stormwater drainage system capacity would be less than significant. **(Less than Significant Impact)**

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

As discussed above, the Project site is located in Flood Zone X (shaded), which is an area where the annual flood risk is between one and two percent.⁶¹ This is considered a moderate risk for flooding. The Project site is also located in a Tsunami Hazard Area.⁶²

⁶¹ FEMA. *Flood Insurance Rate Map Marin County, California. Map No. 06041C0507E*. March 16, 2016.

⁶² California Department of Conservation. *Marin County Tsunami Hazard Areas*. Accessed August 22, 2024. <u>https://www.conservation.ca.gov/cgs/tsunami/maps/marin</u>

As discussed under checklist question a) in Section 9. Hazards and Hazardous Materials, operation of the Project requires the storage of diesel fuel associated with occasional testing and use of an emergency generator during power failures. These materials would be managed in accordance with existing laws and regulations that ensure that the routine transport, storage, use, and disposal of these materials would not result in a significant hazard to the public or environment. For these reasons, the Project would result in a less-than-significant risk for releasing pollutants due to inundation. **(Less than Significant Impact)**

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Water Quality Control

As discussed in checklist question a), the Project qualifies as a LUP and would not create 5,000 square feet or more of contiguous impervious surface and would not be subject to LID BMPs. Thus, the Project would not conflict with or obstruct implementation of the San Francisco Bay Basin Plan.

Groundwater Management Plan

As discussed above, none of the groundwater basins in Marin County have been designated a medium- or high-priority basin by the California Department of Water Resources. Therefore, a Groundwater Sustainability Plan does not need to be prepared for the subbasin per the requirements of the Sustainable Groundwater Management Act. Thus, the proposed Project would not conflict with a sustainable groundwater management plan. While the Project would dewater the site during construction activity, which would lower ground water levels surrounding the site, the dewatering process would be temporary and would not lead to overdraft of the local aquifer. Thus, the proposed Project would not conflict with a sustainable groundwater management plan.

The RWQCB updates its Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) triennially to reflect current conditions and track progress towards meeting water quality objectives. The proposed Project would comply with the Phase II Small MS4 Permit and the Construction General Permit to ensure construction-period water quality impacts do not occur. By adhering to these policies and regulations, the proposed Project would not prevent the RWQCB from attaining the water quality objectives set forth in the Basin Plan. (Less than Significant Impact)

11.	Land	Use	and	Planning	
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Would the project:	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a) Physically divide an established community (including a low-income or minority community)?			\boxtimes	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				
 Result in substantial alteration of the character or functioning of the community, or present planned use of an area? 			\boxtimes	
 Conflict with applicable Countywide Plan designation or zoning standards? 			\boxtimes	

Environmental Setting

Existing Conditions

The Project site has a Marin Countywide Plan land use designation of General Commercial/Housing Overlay. The General Commercial land use category is established to allow for a wide variety of commercial uses, including retail and service businesses, professional offices, and restaurants, as well as moderate to high density mixed-use residential development. The Project site is within the Planned Commercial (CP-HOD) zoning district. The CP zoning district provides for lower-intensity commercial areas for retail shopping, office facilities, and residential uses, in pleasing and harmonious surroundings, through the control of building coverage, height, parking, and landscaping.

Impact Discussion

a) Physically divide an established community (including a low-income or minority community)?

A physical division of an established community typically refers to the construction of a physical feature (such as a wall, roadway, or railroad tracks) or the removal of a means of access (such as a local roadway or bridge) that would impair mobility within an existing community or between communities.

The Project involves the construction of a new pump station at the northeast corner of the Pond. As discussed in Section II Project Information, the Project includes construction of a proposed access path that would lead to the to the pump platform. The access path continues south along the east side of the Pond and terminates at the

southeast corner of the Pond. A temporary construction exit would be established to allow access onto the southbound US 101 offramp. The Project does not propose dividing infrastructure such as highways, freeways, or major arterials that could inhibit the access of residents to the surrounding areas. The Project would not physically divide an established community within the County because it would not interfere with or modify the movement of residents throughout nearby neighborhoods. **(Less than Significant Impact)**

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the Project's design or scope. Depending on the nature of the impacts and its severity, land use compatibility conflicts can range from minor irritation and nuisance to potentially significant effects on human health and safety.

Construction activities could temporarily impact nearby uses (refer to Section 3. Air Quality, Section 9. Hazards and Hazardous Materials, and Section 13. Noise). The Project would include measures that would reduce potential impacts from these activities to a less-than-significant level. After construction activities cease, the proposed Project would be compatible with the nearby residential and employment-generating uses, and as documented throughout this Initial Study, would not result in significant environmental impacts due to operational activities.

If constructed, the proposed pump station would be compatible with the surrounding commercial and residential uses. The proposed pump station is allowed under the site's Countywide Plan land use designation and zoning district. Public utility facilities are a permitted use within the Planned Commercial zoning district. The Project would add a pump station to an existing stormwater detention pond and would not result in any changes in land use on the site. Therefore, the Project would not result in a significant land use impact due to incompatibility with surrounding land uses. **(Less than Significant Impact)**

c) Result in substantial alteration of the character or functioning of the community, or present planned use of an area?

The Project proposes to construct a pump station within the existing Pond. The primary purpose of the pump station is to reduce flooding in Marin City, which would improve conditions for the community. As such, the Project would not result in a substantial alteration of the character or functioning of the community, or present planned use of an area. **(Less than Significant Impact)**

d) Conflict with applicable Countywide Plan designation or zoning standards?

As previously discussed, the Project proposes to construct a pump station within the existing Pond. The purpose of the Project is to reduce flooding in Marin City. The Project would modify an existing stormwater facility on the site and public utilities are a permitted use within the zoning district. The Project, therefore, would not result in any conflict with the Countywide Plan designation or zoning standards. **(Less than Significant Impact)**

12. Mineral Resources

Wa	ould the project:	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				\boxtimes
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				

Environmental Setting

Regulatory Framework

State

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

Existing Conditions

Known mineral resources in Marin County are generally located along the west side of the county (the Coastal Corridor) from Tomales south to Stinson Beach; along the east side from the Novato area south to Marin City (the Baylands and City-Centered Corridors); around Nicasio; in the Lucas Valley-Marinwood area; and in the Lagunitas-Forest Knolls/San Geronimo/Woodacre area (the Inland Rural Corridor). There are no known mineral resources on the Project site.⁶³

⁶³ County of Marin. *Marin Countywide Plan.* Map 3-5, Location of Mineral Resource Preservation Sites. January 24, 2023.

Impact Discussion

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

As discussed above, the Project site is an area where mineral deposits are not present. As a result, the Project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The Project site is not in an area with known mineral resources. For these reasons, the Project would not result in the loss of availability of a locally important mineral resource recovery site. **(No Impact)**

13. Noise

Wa	ould the project result in:	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				
b)	Generation of excessive groundborne vibration or groundborne noise levels?			\boxtimes	
c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project				

Environmental Setting

expose people residing or working in the project area to excessive noise levels?

Background Information

Noise

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel (dB) increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including equivalent continuous sound level (L_{eq}), Day-Night Average Sound Levels (DNL), or Community Noise Equivalent Levels (CNEL).⁶⁴ These descriptors are used to measure a location's overall noise exposure,

⁶⁴ L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq}.

given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess groundborne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

Regulatory Framework

State

California Department of Transportation Vibration Thresholds

The California Department of Transportation (Caltrans) Transportation and Construction Vibration Guidance Manual provides a summary of vibration human responses and structural damage criteria that have been reported by researchers. organizations, and governmental agencies. Caltrans' synthesis of this information indicates that the thresholds for continuous vibration sources is about half of the threshold for transient sources. Caltrans' guidelines for vibration damage and vibration annoyance are summarized Table 13-1.

Table 10-1. Califalis Albration Threshold Offena for Building Bailage				
Structural Integrity	Maximum PPV (in/sec)			
	Transient	Continuous		
Historic and some older buildings	0.50	0.25		
Older residential structures	0.51	0.30		
New residential structures	1.0	0.50		
Modern industrial and commercial structures	2.00	0.50		

Table 13-1: Caltrans' Vibration Threshold Criteria for Building Damage

Table 13-2: Caltrans' Vibration Threshold Criteria for Human Response

Structural Integrity	Maximum PPV (in/sec)		
	Transient	Continuous	
Slightly perceptible	0.04	0.01	
Distinctly perceptible	0.25	0.04	
Strongly perceptible	0.90	0.10	
Severe	2.0	0.4	

Local

Marin Countywide Plan

The following policies in the Marin Countywide Plan have been adopted for the purpose of reducing or avoiding impacts related to noise and vibration and are applicable to the Project.

Policy	Description
NO-1.1	Ensure that new land uses, transportation activities, and construction do not
	create noise levels that impair human health or quality of life.
NO-1.3	Require measures to minimize noise exposure to neighboring properties, open
	space, and wildlife habitat from construction-related activities, yard maintenance
	equipment, and other noise sources, such as amplified music.
NO-1.c	Require all development to mitigate its noise impacts where the project would:
	 raise the Ldn by more than 5 dBA;
	• raise the Ldn by more than 3 dBA and exceed the Normally Acceptable
	standard; or
	• raise the Ldn by more than 3 dBA and the Normally Acceptable standard
	is already exceeded.
NO-1.i	Sections 6.70.030(5) and 6.70.040 of the Marin County Code establish allowable
	hours of operation for construction-related activities. As a condition of permit
	approval for projects generating significant construction noise impacts during the
	construction phase, construction management for any project shall develop a
	construction noise reduction plan and designate a disturbance coordinator at the
	construction site to implement the provisions of the plan.

Land Use	Com	munity Noise Expos	posure (DNL or CNEL, dB)	
Category	Normally	Conditionally	Normally	Clearly
	Acceptable	Acceptable	Unacceptable	Unacceptable
Residential- Low	50-60	55-70	70-75	75+
Density Single				
Family, Duplex,				
Mobile Homes				
Residential- Multi	50-65	60-70	70-75	75+
Family				
Transient Lodging	50-65	60-70	70-80	80+
 Motels, Hotels 				
Schools, Libraries,	50-70	60-70	70-80	80+
Churches,				
Hospitals, Nursing				
Homes				
Auditoriums,	-	50-70	-	70+
Concert Halls,				
Amphitheaters				
Sports Arena,	-	50-75	-	75+
Outdoor Spectator				
Sports				

Table 13-3: Noise/Land Use Compatibility Guidelines
Land Use	Community Noise Exposure (DNL or CNEL, dB)						
Category	Normally	Conditionally	Normally	Clearly			
	Acceptable	Acceptable	Unacceptable	Unacceptable			
Playgrounds,	50-70	67.5-75		75+			
Neighborhood							
Parks							
Golf Courses,	50-75	-	70-80	80+			
Riding Stables,							
Water Recreation,							
Cemeteries							
Office Buildings,	50-70	67.5-77.5	77.5+	-			
Business							
Commercial and							
Professional							
Industrial,	50-75	70-80	80+	-			
Manufacturing,							
Utilities,							
Agriculture							

Source: Marin Countywide Plan

Table 13-4: Allowable Noise Exposure from Stationary Sources					
Noise Metric	Daytime	Nighttime			
	(7 A.M. to 10 P.M.) ²	(10 P.M. to 7 A.M) ²			
Hourly Leq, dB ¹	50	45			
Maximum Level, dB	70	65			
Maximum Level, dB (Impulsive Noise)	65	60			

Source: Marin Countywide Plan

¹ Leq ("Equivalent Sound Pressure Level") is the constant sound energy that would produce the same noise level as actual sources that are fluctuating during the specified time period (one hour).

² The following guidelines apply:

- The measurements are made at the property line of the receiving land use. The effectiveness of noise mitigation measures should be determined by applying the standards on the receptor side of noise barriers or other property line noise mitigation measures
- The nighttime standards apply only when the receiving land use operates or is occupied during nighttime hours.
- Sound-level measurements to determine maximum level noise shall be made with "slow" meter response.
- Sound-level measurements for impulsive noise sources shall be made with "fast" meter response. Impulsive noises are defined as those that have sharp, loud peaks in decibel levels but that quickly disappear. Examples include a dog's bark, a hammer's bang, and noise with speech or music content.
- The allowable noise level standard shall be raised to the ambient noise level in areas where the ambient level already exceeds the standards shown in this table. For example, if the neighborhood already experiences daytime hourly noise levels of 60 dBA as an ambient condition, the noise level standard shall be raised to 60 dBA
- The allowable noise level shall be reduced 5 dB if the ambient hourly Leq is at least 10 dB lower than the noise-level standard shown in this table. For example, if the neighborhood experiences daytime hourly noise levels of 40 dBA as an ambient condition, the noise level standard shall be lowered to 45 dBA.

Notes:

Marin County Code

Sections 6.70.030(5) and 6.70.040 of the Marin County Code establish allowable hours of operation for construction-related activities. As a condition of permit approval for projects generating significant construction noise impacts during the construction phase, construction management for any project shall develop a construction noise reduction plan and designate a disturbance coordinator at the construction site to implement the provisions of the plan. Hours for construction activities shall be limited to Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. and Saturdays from 9:00 a.m. to 5:00 p.m. Construction activities are prohibited on Sundays and holidays.

Existing Conditions

The predominant noise sources contributing to ambient noise levels in the Project area are transportation-related including vehicle traffic along highways and roadways (including US 101).

Existing ambient noise levels in the County were completed in 2022, including two long-term and 11 short-term measurements.⁶⁵ The closest noise measurement to the Project site was a short-term measurement at the north end of the parking lot at the Marin Gateway Shopping Center (approximately 340 feet west of the center of US 101). The noise levels measured between 53.5 dBA and 75 dBA, with the hourly average noise level at 58.3 dBA L_{eq}.⁶⁶

Impact Discussion

The State CEQA Guidelines state that a project would normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, or if noise levels generated by the project will substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. As discussed in State CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. For the purposes of this analysis, the County relies on the following as CEQA thresholds of significance:

- 1. Construction Noise For temporary construction-related noise to be considered significant, construction would conflict with or violate the allowable construction time periods set forth in County Code Section 6.70.030 (5).
- 2. Operational Noise A significant operational noise impact would occur if:
 - The project would generate transportation noise levels that increase ambient noise levels at off-site locations by:

 ⁶⁵ County of Marin. *Marin County Housing Element/Safety Element Update Draft EIR*. October 2022.
 ⁶⁶ Ibid.

- 5 dBA or more where the ambient noise level would remain below the County's acceptable noise level for the affected land use (see Table 13-3);
- 3 dBA or more where the existing ambient noise level would change; or
- 3 dBA or more where the existing ambient noise level is already normally unacceptable.
- Generate stationary source noise levels that exceed the Countywide Plan's Allowable Noise Exposure standards summarized in Table 13-3.
- 3. Generate vibration levels that exceed Caltrans' guidance for potential building damage (see Table 13-1) or human annoyance (see Table 13-2).
- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Construction Noise Impacts

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, timing and duration of noise-generating activities, and distance between construction noise sources and noise-sensitive areas.

Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time. Most demolition and construction noise falls within the range of 80 to 90 dBA at a distance of 50 feet from the source.

Construction of the Project is planned to occur between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, over a period of 12 months consistent with the County Code. As a result, Project construction would not generate a substantial temporary increase in ambient noise levels in the project vicinity in excess of standards established by the Countywide Plan and County Code.

Operational Noise Impacts

The proposed Project would generate minimal vehicle trips for maintenance, and noise from the vehicles would be occasional and would not be noticeable given the relatively high noise levels in the immediate vicinity. Further, the proposed pump station would operate infrequently (e.g., during storm events) and would not generate a substantial permanent increase in ambient noise levels in the Project vicinity in excess of standards established by the Countywide Plan and County Code. As a result, the Project would have a less than significant operational noise impact.

As discussed above, the construction and operation of the proposed Project would have a less than significant noise impact. **(Less than Significant Impact)**

b) Generation of excessive groundborne vibration or groundborne noise levels?

Construction of the Project would occur over a period of 12 months. Construction of the Project may generate vibration when heavy equipment or impact tools are used. The Project would not involve pile driving or the continuous use of heavy equipment known to produce high vibration levels such as tracked vehicles, vibratory compactors, jackhammers, hoe rams, etc.

Caltrans recommends a vibration limit of 0.5 in/sec PPV for buildings structurally sound and designed to modern engineering standards, which typically consist of buildings constructed since the 1990s. Conservative vibration limits of 0.3 in/sec PPV is used for buildings that are found to be structurally sound but where structural damage is a major concern. For historical buildings or some older buildings, a vibration limit of 0.25 in/sec PPV would apply.

Table 13-5 presents typical vibration levels that could be expected from construction equipment at a distance of 25, 50 and 100 feet.⁶⁷ Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.), may generate substantial vibration in the immediate vicinity. Jackhammers typically generate vibration levels of 0.035 in/sec PPV, and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet.

Equipment	Peak Particle Velocity (in/sec) ^(A) 25 feet	Peak Particle Velocity (in/sec) ^(A) 50 feet	Peak Particle Velocity (in/sec) ^(A) 100 feet	Velocity Decibels (VdB) ^(B) 25 feet	Velocity Decibels (VdB) ^(B) 50 feet	Velocity Decibels (VdB) ^(B) 100 feet	
Small bulldozer	0.003	0.001	0.001	58	49	40	
Jackhammer	0.035	0.016	0.008	79	70	61	
Rock Breaker	0.059	0.028	0.013	83	74	65	-
Loaded truck	0.076	0.035	0.017	86	77	68	-
Auger Drill Rig	0.089	0.042	0.019	87	78	69	
Large bulldozer	0.089	0.042	0.019	87	78	69	-
Vibratory Roller	0.210	0.098	0.046	94	85	76	
Impact Pile Driver	1.518	0.708	0.330	112	103	94	

Table 13-5: Typical Construction Equipment Vibration Levels

⁶⁷ County of Marin. *Marin County Housing Element/Safety Element Update Draft EIR.* October 2022. Table 15-16.

Equipment	Peak Particle Velocity (in/sec) ^(A) 25 feet	Peak Particle Velocity (in/sec) ^(A) 50 feet	Peak Particle Velocity (in/sec) ^(A) 100 feet	Velocity Decibels (VdB) ^(B) 25 feet	Velocity Decibels (VdB) ^(B) 50 feet	Velocity Decibels (VdB) ^(B) 100 feet	
(upper range)							
Impact Pile Driver (Typical)	0.644	0.300	0.140	104	95	86	
Sonic Pile Driver (upper range)	0.734	0.42	0.160	105	96	87	
Sonic Pile Driver (typical)	0.170	0.079	0.037	93	84	75	
Sources: Caltrans 2020 and FTA 2018 (see notes 37 and 38) (A) Estimated PPV calculated as: PPV(D)=PPV(ref)*(25/D)^1.1 where PPV(D)= Estimated PPV at distance; PPVref= Reference PPV at 25 feet; D= Distance from equipment to receiver; and n=							

ground attenuation rate (1.1 for dense compacted hard soils).
(B) Estimated Lv calculated as: Lv(D)=Lv(25 feet)-30Log(D/25) where Lv(D)= estimated velocity level in decibels at distance Lv(25 feet)= RMS velocity amplitude at 25 ft; and D=distance from equipment to receiver.

The closet building facades to the Project construction work areas (refer to Figure 2-7) are several modern commercial structures located within the Marin Gateway Shopping Center, the closet being approximately 25 feet south (196 Donahue Street). At these distances, construction vibration levels would be at or below 0.25 in/sec PPV (no pile driving is proposed). This would not exceed the 0.5 in/sec PPV threshold for modern buildings.

Neither cosmetic, minor, or major damage would occur at historical, older buildings, or structurally sound buildings located 25 feet or more from the Project site. At these locations, and in other surrounding areas where vibration would not be expected to cause cosmetic damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and would not be considered significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration (use of jackhammers and other high-power tools).

For human annoyance and interference responses, the use of typical equipment (e.g., bulldozer, jack hammer, trucks, etc.) during construction could produce vibration levels that exceed Caltrans' slightly perceptible vibration detection threshold for continuous sources (0.01 PPV, see Table 13-2). The nearest residences are located approximately 65 feet northeast of the Project site. These vibration levels would not be excessive because they would be intermittent (would not occur every day), limited in duration (equipment would move throughout work areas and not operate in the same location for a prolonged amount of time), and

occur during the daytime only (when receptors would not be sleeping and, therefore, are considered less sensitive to vibration levels). The County Code does not include specific provisions to address temporary construction vibration levels; however, Policy NO-1.3 requires new development projects to minimize construction noise exposure to neighboring properties, while Program NOI-1.i (Regulate Noise Sources) implements this policy by requiring projects to comply with the allowable construction hours established by the Marin County Code and, where significant construction noise impacts may occur, to prepare a construction noise reduction plan that includes provisions for reducing construction noise levels. Consistent with the County Code, the District will require the construction contractor to prepare a noise reduction plan to ensure noise and vibration levels are minimized during construction.

As documented above, construction vibration levels from construction of the proposed Project would fall below Caltrans' thresholds for vibration damage. With regards to annoyance, although construction activities may generate perceptible groundborne vibration levels, these levels would not be excessive because they would be intermittent, limited in duration, and occur during the daytime only. For these reasons, the Project would not result in excessive groundborne vibration. **(Less than Significant Impact)**

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The Project site is not located within two miles of an airport land use plan or public airport. The Project site is located approximately 0.2 miles southeast of the Commodore Center Heliport, a private heliport that operates two private helipads. The Project involves the construction of a new pump station and would not introduce new residents or workers to the Project area. Therefore, the Project would not expose people residing or working in the Project area to excessive noise levels due to airport operations or aircraft. (Less than Significant Impact)

		5			
Wa	ould the project:	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				
b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				
c)	Increase density that would exceed official population projections for the planning area within which the project site is located as set forth in the Countywide Plan and/or community plan?				
d)	Displace existing housing, especially affordable housing?				\boxtimes
e)	Result in any physical changes which can be traced through a chain of cause and effect to social or economic impacts?				\boxtimes

14. Population and Housing

Impact Discussion

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth.

The Project involves the construction of a new pump station at the northeast corner of the Pond and does not include new homes or businesses. As discussed in Section 2. Project Overview, the Project includes construction of a proposed access path that would lead to the pump platform. The access path continues south along the east side of the Pond and terminates at the southeast corner of the Pond. A temporary construction exit would be established to allow access onto the southbound US 101 offramp. The Project does not propose extending any other roads or removing obstacles to population growth (refer to Section 19. Utilities and Service Systems) that would indirectly induce growth. **(No Impact)**

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The Project site is developed with a privately owned stormwater detention pond and does not provide any housing that would necessitate the construction of housing elsewhere. (No Impact)

c) Increase density that would exceed official population projections for the planning area within which the project site is located as set forth in the Countywide Plan and/or community plan?

The Project involves the construction of a new pump station and would not generate any new residents or employees. Therefore, the Project would not result in an exceedance of population projections. **(No Impact)**

d) Displace existing housing, especially affordable housing?

The Project site is developed with a privately owned stormwater detention pond and does not provide any housing (including affordable) that would necessitate the construction of housing elsewhere. **(No Impact)**

e) Result in any physical changes which can be traced through a chain of cause and effect to social or economic impacts?

The Project involves the construction of a new pump station. The primary purpose of the pump station is to reduce flooding in Marin City. As a result, the Project would have a beneficial social and economic effect. **(No Impact)**

Wo	uld ti	he project:	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Resulting imparation new facili gove whice envir acces or of the p	ult in substantial adverse physical acts associated with the provision of or physically altered governmental ties, need for new or physically altered ernmental facilities, the construction of th could cause significant ronmental impacts, in order to maintain eptable service ratios, response times, ther performance objectives for any of public services:				
	i)	Fire protection?			\boxtimes	
	ii)	Police protection?			\boxtimes	
	iii)	Schools?				\bowtie
	iv)	Parks?				\boxtimes
	V)	Other public facilities including roads?			\bowtie	

15. Public Services

Environmental Setting

Existing Conditions

Fire Services

The Marin County Fire Department (MCFD) operates six fire stations with a total of 12 fire engines, three ambulances, and other service vehicles. In addition to the six fire stations, the Tamalpais Fire Crew maintains a 14-person crew that works nine months throughout the year clearing brush and responding to fire events.⁶⁸ The closest fire station to the Project site is the Marin County Fire Station at 850 Drake Avenue in Marin City.

Police Services

Police protection services in Marin County are provided by the Marin County Sheriff's Office (MCSO). The Sheriff's Office is headquartered at 1600 Los Gamos Drive in San Rafael. MCSO staff includes 314 full-time equivalent personnel (202 sworn and 112 other law enforcement professionals).⁶⁹ Based on Census population data for unincorporated Marin County (population 66,888) this corresponds to a ratio of

⁶⁹ County of Marin. *Marin County Housing Element/Safety Element Update Draft EIR.* October 2022.

approximately 3.01 officers per 1,000 residents and 1.82 civilian professionals per 1,000 residents in unincorporated Marin County.⁷⁰

Parks and Recreational Facilities

Marin County Parks Department manages over 17,900 acres spread throughout 39 parks and 34 open spaces including open space parks and beaches, developed parks with pools, playgrounds, lawn turf, tennis, pickle ball, and picnic facilities; a skate park; a bicycle motocross (BMX), mountain bike, and dirt bike park; walking and bicycle pathways; and boat launch facilities.⁷¹

Impact Discussion

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

i) Fire protection?

The Project involves the construction of a new pump station at a privately owned stormwater detention pond. Operation of the pump station would not result in an increase in the demand for fire protection services as the Project does not introduce new residential units or employment uses that would increase demand on fire protection services. The Project must demonstrate compliance with Marin County Code Chapter 16.08, the California Fire Code, and all other applicable regulations. Among other fire protection requirements, the proposed Project must provide the necessary and appropriate ingress/egress points, fire protection systems such as alarms and automatic sprinklers, ensure adequate emergency water supply (fire flow), storage, and conveyance facilities, as well as unobstructed and adequate access for fire protection equipment and personnel. For these reasons, implementation of the proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives. **(Less than Significant Impact)**

ii) Police protection?

The Project involves the construction of a new pump station at a privately owned stormwater detention pond. Operation of the pump station would not result in an increase in the demand for police protection services as the project does not introduce

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County of Marin. *Marin County Housing Element/Safety Element Update Draft EIR.* October 2022. ⁷¹ Ibid.

¹¹⁶

new residential units or employment uses. Therefore, the Project would not necessitate the construction or expansion of police protection facilities and would not result in substantial adverse physical impacts associated with the construction of new or expanded police protection services. **(Less than Significant Impact)**

iii) Schools?

The Project involves the construction of a new pump station and would not generate new students as it does not propose new residential units to generate additional student demand to school facilities. Therefore, the proposed Project would not increase the demand for new school facilities, nor would it require the construction or expansion of new school facilities and no impact would occur. **(No Impact)**

iv) Parks?

The proposed Project would construct a pump station and would not increase demand on local park facilities. In addition, the Project would not construct any land uses which would directly increase the resident population of the County. Therefore, the proposed Project would have no impact on demand for local parks. **(No Impact)**

v) Other public facilities including roads?

As discussed above under i) through iv), the Project would construct a pump station and would not generate any new residents as no residential component is included. Therefore, the Project would not increase demand for other public facilities such as libraries or community centers and no impact would occur. The pump station would be accessed by the existing northwest driveway from the Marin Gateway Shopping Center, on the north side of Target. **(Less than Significant Impact)**

16. Recreation

Wa	ould the project:	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				

Environmental Setting

Existing Conditions

Marin County Parks Department manages over 17,900 acres spread throughout 39 parks and 34 open spaces including open space parks and beaches, developed parks with pools, playgrounds, lawn turf, tennis, pickle ball, and picnic facilities; a skate park; a BMX, mountain bike, and dirt bike park; walking and bicycle pathways; and boat launch facilities.⁷²

Impact Discussion

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The proposed Project would construct a pump station and would not increase demand on existing neighborhood and regional parks or other recreational facilities. In addition, the Project would not construct any land uses which would directly increase the resident population of the County. Therefore, the Project would not result in a substantial physical deterioration of recreational facilities in the area. **(No Impact)**

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The proposed Project consists of a new pump station and does not include recreational facilities. Further, as discussed above under checklist question a), the Project would not require construction of expansion of existing recreational facilities. **(No Impact)**

⁷² Ibid.

17. Transportation

Wa	ould the project:	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				
b)	Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			\square	
c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			\boxtimes	
d)	Result in inadequate emergency access?			\boxtimes	

Environmental Setting

Regulatory Framework

State

Senate Bill 743

Senate Bill (SB) 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of greenhouse gas (GHG) emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by the Governor's Office of Land use and Innovation⁷³ (LCI) to implement a VMT policy by July 1, 2020.

Marin Countywide Plan

The following policies in the County's Countywide Plan have been adopted for the purpose of reducing or avoiding impacts related to transportation and are applicable to the Project.

Policy	Description
TR-1.8	Reduce the rate of increase for total vehicle miles traveled by single-occupant
	automobile to not exceed the population growth rate.

⁷³ Formerly known as the Governor's Office of Planning and Research.

Existing Conditions

Regional access to the Project site is provided via US 101. Local access to the Project site is provided by Donahue Street.

Impact Discussion

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The Project would not conflict with any existing or planned bicycle or pedestrian facilities, or transit facilities. As the pump station would not be used or inhabited by people, and only vehicle trips associated with Project operation are those required for as needed maintenance and repair, which would be infrequent (i.e., on a weekly basis or up to 52 times per year). In addition, the proposed pump station would not alter or obstruct bicycle lanes or pedestrian facilities. Based on the above, the Project would not conflict with a program, plan, ordinance, or policy regarding bicycle and pedestrian facilities. **(Less than Significant Impact)**

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

With the passage of SB 743, VMT became the main metric to evaluate transportation impacts from proposed development projects. This analysis relies on the LCI publication Technical Advisory on Evaluating Transportation Impacts in CEQA. Based on LCI's guidance, which states that a project that generates fewer than 110 trips per day is assumed to result in a less than significant transportation impact.

The Project involves the construction of a pump station at a privately owned stormwater detention pond. During the 12-month construction period, the project would generate temporary trips from construction workers and trucks traveling to and from the project site. VMT is estimated by calculating the VMT on a per capita or per employee basis and comparing it to regional averages. Temporary trips are not a factor for VMT assessments. Once operational, the Project would not have any regular occupants or visitors and would not generate vehicle trips besides infrequent trips for maintenance. Based on the above, the Project would not affect VMT and would not conflict or be inconsistent with State CEQA Guidelines Section 15064.3, subdivision (b). **(Less than Significant Impact)**

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The proposed Project would construct a pump station at an existing stormwater detention pond and would not result in changes to the surrounding circulation system.

The pump station would be accessed by the existing northwest driveway from the Marin Gateway Shopping Center, on the north side of Target.

The Project does not propose a use that is incompatible with the existing mix of uses in the Project area or propose a use that would bring unusual equipment on adjacent roadways (e.g., farm equipment). Based on the above, the Project would not introduce increased hazards from new geometric design features or incompatible uses. (Less than Significant Impact)

d) Result in inadequate emergency access?

The proposed Project would not result in changes to surrounding circulation systems or established evacuation routes. Therefore, the proposed Project would have a less-than-significant impact on emergency access. (Less than Significant Impact)

Wa	ould the project:	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
	i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?				
	ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a				

18. Tribal Cultural Resources

Environmental Setting

Regulatory Framework

Assembly Bill 52

Assembly Bill (AB) 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a TCR, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a TCR or until it is concluded that mutual agreement cannot be reached.

• Under AB 52, TCRs are defined as follows:

California Native American tribe.

• Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:

- Included or determined to be eligible for inclusion in the California Register of Historic Resources, or
- Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- A resource determined by the lead agency to be a TCR.

Existing Conditions

Pursuant to AB 52, Far Western, on behalf of the County of Marin, contacted the Native American Heritage Commission (NAHC) on July 8, 2024, requesting a review of their Sacred Lands File for this project and list of individuals/ groups who might have knowledge concerning cultural and tribal resources within the Project vicinity. The NAHC's response, dated July 29, 2024, stated that there are no Native American sacred sites documented within the Project vicinity. NAHC also provided a list of Native American contacts for the Federated Indians of Graton Rancheria (Graton Rancheria), Guidiville Indian Rancheria, and Wuksachi Indian Tribe/Eshom Valley Band that could provide information about archaeological and/tribal resources in the area. The County of Marin sent AB consultation letters to Graton Rancheria and the lone Band of Miwok Indians, per the County's AB 52 contact list, on August 21, 2024. The County also sent a notification letter to the Coast Miwok Tribal Council of Marin on August 21, 2024 as part of tribal outreach; as their organization is not listed by the NAHC as a California Native American Tribe, no formal AB 52 consultation was conducted with the Coast Miwok Tribal Council of Marin. Graton Rancheria responded on August 22, 2024, with a formal request for consultation.

The County replied on August 26, 2024, to clarify outreach efforts and request availability for meeting times. An initial AB 52 meeting with Graton Rancheria occurred on October 7, 2024, during which time Graton Rancheria Tribal Historic Preservation Officer, Buffy McQuillen, requested a visit to the Project site to conduct a supplemental survey. The County met with Graton Rancheria and a Far Western archaeologist at the Project site on December 17, 2024. During the meeting, Graton Rancheria requested that a canine forensics survey be conducted within the Project site prior to construction in coordination with the Tribe to help inform the Cultural Resource Monitoring Plan developed through MM CUL-1.1 by identifying areas with a higher sensitivity for human remains. Graton Rancheria also requested archaeological and tribal monitoring during project-related ground disturbances due to the sensitivity of the Project area near the former bay shoreline and because no previous archaeological monitoring or studies were carried out for the construction of Pond or nearby shopping center. Consultation with Graton Rancheria is ongoing and they will remain involved throughout the duration of the Project.

Canine Forensic Survey

On February 28, 2024, a canine forensic survey of the Project area was conducted by the Institute for Canine Forensics with staff from Graton Rancheria, Far Western, and the County present. As indicated above, this survey was conducted at the request of Graton Rancheria to help identify the sensitivity for human remains through non-

destructive methods and to inform the Cultural Resources Monitoring Plan that will be prepared for the Project through MM CUL-1.1. Two canine teams each covered all accessible portions of the Project area; the south bank of the Pond was inaccessible to the dogs and their handlers due to thick vegetation. As a result of the canine forensic survey, no alerts from the canine teams were documented, indicating a reduced sensitivity for the presence of human remains within the portions of the Project area that were covered by the survey. However, there remains a potential for other cultural and tribal cultural resources to still be present within the Project area.

Impact Discussion

- a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

As discussed in Section 4. Cultural Resources, the Project site has a high to highest sensitivity for submerged precontact archaeological sites. Given this sensitivity, a geoarchaeological assessment was conducted to determine if proposed ground disturbances will extend to a layer where a submerged precontact site could potentially be located. The results of the assessment indicate that vertical extent of the Project (up to 18 feet bgs) would not extend to depths great enough to encounter the lower contact of the bay mud. Therefore, the Project is estimated to have a low potential to encounter intact cultural deposits. However, there is still potential for cultural deposits to be present in a secondary (disturbed) context. The Project would implement MM CUL-1.1 through CUL-1.3 and MM CUL-2.1 to reduce the potential for adverse impacts to buried cultural resources (including TCRs) to a less-than-significant level.

Implementation of MM CUL-1.1 through 1.3 and MM CUL-2.1 would ensure that a qualified archaeologist and Native American monitor are present during grounddisturbing activities in the most archaeologically sensitive portions of the Project site to quickly identify if any cultural or tribal cultural resources are encountered and stop work. Adherence to the measures described above would ensure that any archaeological resources encountered during ground-disturbing activities that meet the definition of a precontact or historic-era resource, unique archeological resource, or TCR are appropriately identified and protected. **(Less than Significant Impact with Mitigation Incorporated)**

 A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public

Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Refer to the discussion under checklist question i). With the implementation of MM CUL-1.1 through 1.3, and MM CUL-2.1, the Project would not cause a substantial adverse change in the significance of a TC. (Less than Significant Impact with Mitigation Incorporated)

Wa	ould the project:	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Require or result in the relocation or construction of new or expanded water, wastewater or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				
b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			\square	
c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				
d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			\boxtimes	

19. Utilities and Service Systems

Environmental Setting

Regulatory Framework

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The District adopted its most recent UWMP in January 2024.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or Assembly Bill (AB) 939, established the California Integrated Waste Management Board (CIWMB), required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels) by 2000 and thereafter. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

California Green Building Standards Code

CALGreen establishes mandatory green building standards for all buildings in California. The code is updated every three years.⁷⁴ CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition debris; and
- Providing readily accessible areas for recycling by occupants.

Local

Marin County Code

County Code chapter 19.04 (Building Regulations), Subchapter 2 (Green Building Requirements) includes provisions for requiring the reduction of waste generated by construction projects. Chapter 22.20.100 (Solid Waste/Recyclable Materials Storage) provides for the construction and maintenance of storage areas for solid waste and recyclable materials to comply with State law.

Existing Conditions

Water Service

Marin County's water supplies include surface water, groundwater, recycled water, and imported water. Surface water is the main source of supply for urban areas in the eastern portion of the County, while both groundwater and surface water are the primary sources for rural areas. There are six water districts and independent water systems supplying water to Marin residents. Marin Water and North Marin Water District (NMWD) are the principal entities managing and delivering water to residential and commercial consumers. Marin Water provides water service to the Project site.

⁷⁴ California Building Standards Commission. "California Building Standards Code." Accessed May 16, 2024. <u>https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo</u>.

Marin Water serves approximately 191,000 people and the district encompasses an area of 147 square miles. Marin Water's potable water sources include runoff collected from the Mt. Tamalpais watershed and West Marin and stored in seven reservoirs maintained by Marin Water. Additional potable water supply comes from the Russian River water system in Sonoma County. Marin Water's recycled water supply (non-potable) is drawn from a Recycled Water Facility at Las Gallinas Valley Sanitary District.

Marin Water currently distributes an average of 22 million gallons of water per day (MGD) and has a 55 MGD daily water production potential.⁷⁵ Marin Water's Water Resources Plan 2040 includes a range of demands projected to 2040. The Marin Water system consists of approximately seven reservoirs, 908 miles of pipeline, 130 storage tanks, 97 pump stations, and three treatment plants.⁷⁶

Sanitary Sewer/Wastewater Treatment

The Project site is served by the Sausalito-Marin City Sanitary District. The District has a total treatment capacity of 6 MGD, with a remaining capacity of approximately 4.2 MGD.⁷⁷

Storm Drainage

Throughout Marin County, storm drainage infrastructure includes a range of conveyance facilities from vegetated and concrete-lined swales and ditches, curb and gutter systems, bridges and culverts for stream crossings, underground pipe systems, detention ponds, and various stormwater quality treatment facilities.

Solid Waste

Solid waste is managed by the Marin City Community Services District through a franchise agreement with Bay Cities Refuse Service.

Redwood Landfill and Recycling Center, located north of Novato, is the only permitted landfill operating in the County since the closure of the West Marin Landfill in 1998. The landfill has a current permitted maximum daily disposal capacity of 2,310 tons per day which includes 1,390 tons of municipal source waste.⁷⁸ The landfill's design capacity is currently 26.08 million cubic yards and its estimated closure date is 2036, although increased recycling and resource recovery activities throughout the County may extend the life span of this landfill. In addition to disposing of municipal solid waste, the landfill also disposes of construction waste and non-hazardous sewage sludge and has the largest composting facility in Marin County.

⁷⁵ County of Marin. *Marin Conty Housing Element/Safety Element Update Draft EIR*. October 2022.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ County of Marin. *Marin Conty Housing Element/Safety Element Update Draft EIR*. October 2022.

Impact Discussion

a) Require or result in the relocation or construction of new or expanded water, wastewater or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Water Facilities

The proposed Project would rely on the existing water delivery system to supply water to the site. As discussed in checklist question b), below, the Project would incrementally increase the water demand in the County but would not require additional water supply other than what is currently allocated for Marin Water. No relocation or construction of water facilities is required by the proposed Project. The Project would construct approximately 384 linear feet of one-inch water line to serve the new pump station. The water line would connect to the pump station from Donahue Street. Construction of the water line is evaluated in this Initial Study and would not result in significant environmental effects.

Wastewater Treatment Facilities

The Project would generate no wastewater.

Stormwater Drainage Facilities

The Project would upsize approximately 377 linear feet of undersized storm drain (42 inches wide) in the shopping center parking lot to a 7-foot by 3-foot reinforced concrete box using traditional, open-trench installation methods, as shown in Figure 2-7. The Project would improve an existing storm drainage facility. Construction of the proposed storm drainage infrastructure would not cause significant environmental effects and all potential impacts are reduced to a less-than-significant level as described throughout this Initial Study.

Electric Power and Telecommunication Facilities

The Project would be served by existing electric power and telecommunication facilities in the area (refer to discussion in Section 6. Energy). Although the Project would increase demand on these facilities, the increase would not be substantial as to require expansion of existing facilities or construction of new facilities. Connections to existing utility lines would occur during grading and would not result in significant environmental effects.

The proposed Project would improve stormwater facilities as described in this Initial Study and make minor improvements to associated stormwater drainage and water lines. The Project would not otherwise result in the need for relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities. **(Less than Significant Impact)**

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

The Project's water demand is estimated to be approximately 600 gallons per year (or 1.64 gallons per day). Marin Water currently distributes an average of 22 MGD and has a 55 MGD daily water production potential. Marin Water's Water Resources Plan 2040 includes a range of demands projected to 2040. The upper range of the projection anticipates that Marin Water will need to provide 29,200 acre-feet of water per year, which is approximately 26 MGD. As documented above, the Project's water demand would be negligible in comparison to Marin Water's total supply. For these reasons, the Project would not result in a substantial increase in water use and the County would have adequate water supply to serve the site. **(Less than Significant Impact)**

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The Project would generate little or no demand for wastewater services. For these reasons, the Project would not result in a substantial increase in the amount of wastewater generated and would not exceed the Sausalito-Marin City Sanitary District's allocated capacity. Therefore, the proposed Project would not significantly impact the wastewater treatment capacity of the Sausalito-Marin City Sanitary District. (Less than Significant Impact)

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Construction of the Project would generate waste during construction activities. Construction waste would be recycled in compliance with the Marin County Code's Green Building Requirements, which includes provisions requiring the reduction of waste generated by construction projects in accordance with State law. In the event that contaminated soils are encountered during ground-disturbing activities, MM HAZ-1.1 would require that contaminated soils be removed and disposed of properly at a landfill that meets acceptance criteria for the type of waste being disposed. For these reasons, the Project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

As discussed under checklist question d) above, the construction waste would be recycled with County's Green Building construction and demolition waste requirements, which requires a minimum of 65 percent diversion of waste. During operation, the Project would not generate solid waste. Therefore, the Project would have a less than significant impact on solid waste reduction regulations. **(Less than Significant Impact)**

20. Wildfire

Significant Less Than Significant or If located in or near state responsibility Potentially Impact with areas or lands classified as very high fire Significant Mitigation Less than Significant hazard severity zones, would the project: Impact Incorporated No Impact a) Due to slope, prevailing winds, and other \boxtimes factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? Require the installation or maintenance of \boxtimes \square b) associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? Expose people or structures to significant \square c) risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? d) Expose people or structures, either directly \square or indirectly, to a significant risk of loss,

Environmental Setting

injury or death involving wildland fires?

Regulatory Framework

State

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands zoned for very high fire hazard are identified within LRAs.

California Fire Code Chapter 47

Chapter 47 of the California Fire Code sets requirements for wildland-urban interface fire areas that increase the ability of buildings to resist the intrusion of flame or

burning embers being projected by a vegetation fire, in addition to systematically reducing conflagration losses through the use of performance and prescriptive requirements.

California Public Resources Code Section 4442 through 4431

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that uses an internal combustion engine; specify requirements for the safe use of gasoline-powered tools on forest-covered land, brush-covered land, or grass-covered land; and specify fire suppression equipment that must be provided onsite for various types of work in fire-prone areas. These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section 4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

California Code of Regulations Title 14

The California Board of Forestry and Fire Protection has adopted regulations, known as SRA Fire Safe Regulations, which apply basic wildland fire protection standards for building, construction, and development occurring in a SRA. The future design and construction of structures, subdivisions and developments in SRAs are required to provide for the basic emergency access and perimeter wildfire protection measures discussed in Title 14.

Fire Management Plans

The California Department of Forestry and Fire Protection (CAL FIRE) has developed an individual Unit Fire Management Plan for each of its 21 units and six contract counties. CAL FIRE has developed a strategic fire management plan for the Marin County Unit, which covers the Project area and addresses citizen and firefighter safety, watersheds and water, timber, wildlife and habitat (including rare and

endangered species), unique areas (scenic, cultural, and historic), recreation, range, structures, and air quality. The plan includes stakeholder contributions and priorities and identifies strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work with the local fire issues.

Local

Existing Conditions

The Project site is not located within or near state responsibility areas or lands classified as very high fire hazard severity zones.⁷⁹ The Project site is located within the Wildland Urban Interface (WUI).⁸⁰ The WUI is the transition zone between areas of native vegetation and developed areas. The term "WUI" is not a designation of potential wildfire severity but a defined description of an area where urban development meets undeveloped lands at risk of wildfires.

Impact Discussion

The Project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. While the Project site is located within the WUI, the Project involves the construction of a pump station at an existing stormwater detention pond. The Project would not result in changes to surrounding circulation systems or established evacuation routes nor would the project require the installation of infrastructure that would exacerbate fire risk. The Project would not introduce new residents or workers to the project area. As a result, the Project would not result in a significant wildfire impact. **(No Impact)**

⁷⁹ CAL FIRE. *Fire Hazard Severity Zones in State Responsibility Area.* Accessed May 16, 2024. <u>Fire Hazard Severity Zones in State Responsibility Area (arcgis.com)</u>

⁸⁰ County of Marin. *Marin County Housing Element/Safety Element Update Draft EIR*. October 2022. Figure 20-1.

21. MANDATORY FINDINGS OF SIGNIFICANCE. Pursuant to Section 15065 of the State EIR Guidelines, a project shall be found to have a significant effect on the environment if any of the following are true:



a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

As discussed in prior sections of this Initial Study, the proposed Project would not degrade the quality of the environment with the implementation of mitigation measures. As discussed in Section 4. Biological Resources, the Project would not impact sensitive habitats or any special-status species. The Project would implement MM BIO-1.1 to avoid abandonment of raptor and other protected migratory bird nests. The Project would also implement MM BIO-2.1 through 2.3 to achieve a no net loss of wetlands through the establishment of a 1:1 mitigation ratio. Implementation of MM BIO-3.1 would ensure that debris does not enter the wetland during dewatering activities. MM BIO-3.2

would ensure that wetlands are restored to pre-project conditions under the guidance of a Mitigation Monitoring Plan. Lastly, the Project would implement MM BIO-4.1 and 4.2 to ensure that noxious weeds do not spread.

To avoid impacts to as yet unidentified archaeological resources, human remains, and/or tribal cultural resources (TCRs), the proposed Project would implement MM CUL-1.1 through CUL-1.3, and CUL-2.1 discussed in Section 5. Cultural Resources.

Based on the above, with the implementation of mitigation measures, the Project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below selfsustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. **(Less than Significant Impact with Mitigation Incorporated)**

b) Does the project have impacts that are individually limited, but cumulatively considerable?

Under Section 15065(a)(3) of the State CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the State CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In addition, under Section 15152(f) of the State CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

Cumulative Projects

Two cumulative projects are being considered and/or implemented by the County in the project vicinity, as described below.

The District is considering a separate dredging project at the Pond to address historic lead and associated zinc from vehicles on US 101. The dredging would involve soil sampling and risk assessments to establish cleanup levels for the contaminants of concern. The maximum amount of dredged material is anticipated to be up to 9,000 cubic yards (cy) of soil. The work would be completed through mechanical excavation with a long reach excavator from the banks and/or aquatic dredging excavator from within the Pond. Sediment free of contaminants may be reused on site in berms or buried backfill consistent with permits issued for the dredging project. Sediments requiring off-site disposal would be transported to an appropriate landfill in trucks via the access gate behind Target or through a temporary roadway on the east side of the pond in coordination with Caltrans.

The Marin County Large Trash Capture Devices project also proposes to install and maintain a state certified full trash capture system within the storm drainage system at the Gateway Shopping Center parking lot. The County is required to implement the project in order to demonstrate compliance with the Amendment to the Water Quality Control Plan for Ocean Waters of California (Ocean Plan) to Control Trash. A CEQA Notice of Exemption (C-24-63_21-2024-007 Marin County Large Trash Capture Devices) was filed for the project on January 5, 2024.

Cumulative Impacts

The Project would not impact agricultural or forestry resources or mineral resources; therefore, the Project would have no contribution to cumulative impacts to these resources. Nor would the Project contribute to any cumulative impacts associated with wildfire risk, as the Project site is not located in or near a state responsibility area (SRA) or lands classified as very high fire hazard severity zones.

The Project would not add new land uses or population in the County. As a result, the Project would not induce substantial unplanned population growth, either directly or indirectly. The proposed pump station would not generate cumulatively considerable demand for public services, recreational facilities, or utilities and service systems because it would not be occupied or inhabited by people, who are the principle causes of increased public services, recreational facilities, and utilities and service systems. The geographic area for cumulative aesthetic impacts for the Project is the immediate surrounding area. While the County does not have regulations governing scenic quality, cumulative projects (such as private development projects) would be subject to the County's design review process to ensure that it conforms with all adopted design guidelines and other relevant policies and ordinances. For this reason, the project would not contribute to a significant cumulative aesthetic impact.

In general, an individual project's impact on air quality, energy, greenhouse gases (GHGs), and vehicle miles traveled (VMT) are evaluated at a cumulative level. That is, if a project results in a significant impact to air quality (specifically criteria air pollutants), energy, GHGs, and VMT, the project would be considered to have a significant cumulative impact to those resources. In addition, the BAAD thresholds were developed such that a project-level impact would also be a cumulatively considerable impact. The Project would not result in a significant emissions of criteria air pollutants or GHG emissions under BAAD thresholds and, therefore, would not make a substantial contribution to cumulative air quality or GHG emissions impacts (see Sections 3. Air Quality and 8. Greenhouse Gas Emissions). The Project's consumption of electricity and gasoline was assessed in comparison with consumption at the state and county level (see Section 6. Energy) and was found to result in less-than-significant impacts with adherence to local, state, and federal policies. Therefore, the proposed Project would not make a substantial contribution to cumulative energy use impacts. As discussed in Section 17. Transportation, the Project would not generate vehicle trips besides the infrequent trips associated with project maintenance and would not contribute to cumulative VMT impacts.

Land uses in the County are primarily regulated through the Marin Countywide Plan and County Code. As discussed in Sections 11. Land Use, the Project is consistent with the Countywide Plan designation and zoning standards for the site, would comply with the applicable Countywide Plan policies, and would not contribute to any cumulative land use impacts.

The geographic area for cumulative biology, cultural resources, TCRs, geology and soils, hazards and hazardous materials, and hydrology and water quality impacts is generally the surrounding area of the Project site because it would affect common resources and impacts would be limited to the immediate vicinity. Future cumulative development, including maintenance activities at the Pond, such as dredging, would be required to comply with the existing state, regional, and local regulations including the Migratory Bird Treaty Act (MBTA), Fish and Game Code, National Historic Preservation Act of 1966 (NHPA), California Register of Historical Resources (CRHR), California Native American Historical, Cultural, and Sacred Sites Act, PRC Sections 5097 and 5097.98, Countywide Plan policies, and County Code regulations (as applicable) identified in Sections 4. Biological Resources, 5. Cultural Resources, 7. Geology and Soils, 9. Hazards and Hazardous Materials, 10. Hydrology and Water Quality, and 18. Tribal Cultural Resources of this document to reduce impacts to biology, cultural resources, TCRs, geology and soils, hazards and hazardous materials, and hydrology and water quality to a less-than-significant level. For these reasons, the Project would not contribute to a significant cumulative impact to the above discussed resources.

As described above, the Project in combination with cumulative projects, would not result in any cumulative impacts.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality, hazardous materials, and noise. As documented in Sections 3, 7, 9, and 13 of this Initial Study, implementation of the Countywide Plan policies, and mitigation measures that have been identified would reduce these impacts to a less-thansignificant level. No other direct or indirect adverse effects on human beings have been identified. **(Less than Significant Impact with Mitigation Incorporated)**

d) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?

As discussed in prior sections of this Initial Study, the proposed Project would result in less-than-significant impacts with the implementation of mitigation measures. Therefore, the Project does not have the potential to impair long-term environmental goals.

- VII. DETERMINATION: (Completed by Marin County Environmental Planning Manager). Pursuant to Sections 15081 and 15070 of the State Guidelines, the forgoing Initial Study evaluation, and the entire administrative record for the project:
 - [] I find that the proposed project WILL NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
 - [X] I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
 - [] I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Parte Keil

April 29, 2025

Rachel Reid, Environmental Planning Manager

Date

MARIN CITY POND PUMP STATION FLOOD REDUCTION PROJECT DOCUMENTS INCORPORATED BY REFERENCE

The following is a list of relevant information sources that have been incorporated by reference into the foregoing Initial Study pursuant to Section 15150 of the State CEQA Guidelines. These documents are both a matter of public record and available for public inspection either online or at the Planning Division office of the Marin County Community Development Agency (CDA), Suite 308, 3501 Civic Center Drive, San Rafael. The information incorporated from these documents shall be considered to be set forth fully in the Initial Study.

- **1.** County of Marin. 65% Plans for Construction of Marin City Flood Improvements Gateway Pump Station Project.
- 2. County of Marin. Marin Countywide Plan. January 4, 2023.
- **3.** County of Marin. *Housing and Safey Element Update to the Marin Countywide Plan Final Environmental Impact Report.* December 2022.
- **4.** Far Western Anthropological Research Group, Inc. *Cultural Resources Inventory for the Marin City Pond Flood Reduction Project—Phase I, Marin City, California.* January 2025.
- **5.** Haley & Aldrich, Inc. *Design Level Geotechnical Investigation Marin City Flood Control Project*. March 2024.
- 6. Huffman Broadway Group, Inc. *Biological Resources Report Marin City Flood Improvements – Gateway Pump Station Project, Marin County, California.* October 2024.
- 7. Marin County Development Code, Title 22, CDA Planning Division
- 8. Marin County Development Standards, Title 24, Marin County Department of Public Works Land Use & Water Resources Division
- **9.** Marin County Flood Control and Water Conservation District. *Marin City Drainage Study, A Study for the Marin Flood Control Zone No.* 3. January 22, 2018.
- **10.** Northgate Environmental Management, Inc. Soil and Sediment Characterization Report Marin City Retention Pond, Marin City, California. July 12, 2021.

Other References Cited

- **11.** Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050.* October 21, 2021.
- 12. BAAQMD. Final 2017 Clean Air Plan. April 19, 2017.
- **13.** BAAQMD. "Air Quality Standards and Attainment Status." Last Updated January 5, 2017. Accessed December 8. 2023. <u>https://www.baaqmd.gov/about-air-guality/research-and-data/air-guality-standards-and-attainment-status</u>
- **14.** BAAQMD. 2022 California Environmental Quality Act Air Quality Guidelines. April 2023.
- **15.** CARB. "Advanced Clean Cars II." Accessed May 14, 2024. <u>https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii</u>
- **16.** CARB. 2022 Scoping Plan for Achieving Carbon Neutrality. December 2022.
- **17.** California Building Standards Commission. "California Building Standards Code." Accessed May 14, 2024. <u>https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo</u>.

- **18.** California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed May 13, 2024. <u>http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.</u>
- **19.** California Department of Conservation. "Williamson Act." http://www.conservation.ca.gov/dlrp/lca.
- **20.** California Department of Conservation. *California Important Farmland Finder.* Accessed May 13, 2024. <u>https://maps.conservation.ca.gov/dlrp/ciff/</u>
- **21.** California Department of Conservation. *Marin County Tsunami Hazard Areas.* Accessed August 22, 2024. https://www.conservation.ca.gov/cgs/tsunami/maps/marin
- **22.** CAL FIRE. "Fire and Resource Assessment Program." Accessed May 13, 2024. <u>http://frap.fire.ca.gov/.</u>
- **23.** CAL FIRE. *Fire Hazard Severity Zones in State Responsibility Area*. Accessed May 16, 2024. <u>Fire Hazard Severity Zones in State Responsibility Area (arcgis.com)</u>
- 24. California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed August 23, 2024. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.
- 25. CEC. "2022 Building Energy Efficiency Standards." Accessed May 14, 2024. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiencystandards/2019-building-energy-efficiency.
- **26.** CEC. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed August 23, 2024. http://ecdms.energy.ca.gov/elecbycounty.aspx.
- **27.** CEC. "Natural Gas Consumption by County." Accessed August 23, 2024. http://ecdms.energy.ca.gov/gasbycounty.aspx.
- **28.** CalEPA. "Cortese List Data Resources." Accessed May 14, 2024. <u>https://calepa.ca.gov/sitecleanup/corteselist/</u>.
- **29.** CalEPA. *Transmittal of Case Closure Letter and Site Summary for Former Chevron Station No. 9-5102, Drake and Donahue Avenue, Marin City, Marin County, UST Case No. 21-0052.* June 12, 1997.
- **30.** California Gas and Electric Utilities. 2023 California Gas Report. Accessed August 23, 2024.

https://www.socalgas.com/sites/default/files/Joint_Biennial_California_Gas_Report_2 023_Supplement.pdf.

- California Geological Survey. California Earthquake Hazards Zone Application (EQ ZAPP). Accessed July 11, 2024. <u>https://maps.conservation.ca.gov/cgs/EQZApp/app/</u>
- **32.** California Legislative Information. "Chapter 2.7. Modernization of Transportation Analysis for Transit-Oriented Infill Projects [21099- 21099.]." Accessed May 13, 2024.

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=13.&part=&chapter=2.7.&article=

- **33.** California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." Accessed May 14, 2024. <u>https://ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206</u> %202011%20update.pdf.
- 34. CalRecycle. "Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals (DRRR-2020-1693)." Accessed May 16, 2024. https://www2.calrecycle.ca.gov/Publications/Details/1693.
- **35.** California Regional Water Quality Control Board. Case Closure for Apollo Cleaners, Gateway Center, 160 Donahue Street, Marin City, Marin County. July 16, 2007.
- **36.** California Regional Water Quality Control Board San Francisco Region. Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008. May 11, 2022.
- 37. California State Water Resources Control Board. "2020-2022 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)." May 11, 2022. Accessed May 14, 2024. <u>https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/</u> 2020 2022 integrated_report.html.
- **38.** FEMA. Flood Insurance Rate Map Marin County, California. Map No. 06041C0507E. March 16, 2016.
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